

Supporting Statement for SSA-640
Financial Disclosure for Civil Monetary Penalty (CMP) Debt
20 CFR 498
OMB No. 0960-0776

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 1129 of the *Social Security Act (Act)* governs the imposition of civil monetary penalties (CMP) and assessments on individuals for fraudulent conduct related to Social Security Administration(SSA)-administered programs. This section states the methods SSA uses to collect the CMP, including benefit withholding and installment agreements. For SSA to determine a monthly repayment amount, the agency needs financial information from the CMP-imposed individual. The policies for implementing Section 1129 of the Act are in 20 CFR 498 of the *Code of Federal Regulations*.

2. Description of Collection

SSA uses Form SSA-640, Financial Disclosure for CMP Debt, to obtain the information we need to determine a monthly installment agreement rate from CMP-imposed individuals. Respondents are individuals under a CMP for fraudulent conduct related to SSA-administered programs, who have not entered into any prior settlement agreement and are not currently receiving benefits.

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of Form SSA-640 under the agency's Government Paperwork Elimination Act (GPEA) plan because the low number of respondents completing this form is less than the GPEA cut-off of 50,000.

4. Why We Cannot Use Duplicate Information

The nature of the information SSA is 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 conduct this information collection, we would have no means of allowing imposed individuals to participate in an installment repayment agreement. Since we only collect the information when we need to prepare an installment plan, we cannot collect it less frequently. There are no technical or legal obstacles to prevent 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

SSA published the 60-day advance Federal Register Notice on March 30, 2012 at 77 FR 19406, and we received no public comments. We published the 30-day Federal Register Notice on June 14, 2012, at 77 FR 35739. If we receive any comments from the 30-day Notice, we will forward them to OMB. We did not consult with the public on the maintenance of this form.

9. Payments or Gifts to Respondents

SSA does not provide payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information we collect 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

This information collection requests personal financial information. Although an individual's response is voluntary, 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 to satisfy the CMP. SSA keeps all information confidential.

12. Estimates of Public Reporting Burden

Approximately 400 respondents take 120 minutes to complete Form SSA-640 each year. Accordingly, the burden is 800 hours. This figure represents burden hours and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost to the Federal Government

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. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

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 useable forms with expired OMB approval dates, avoiding Government waste.

18. Exceptions to the 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 did not use statistical methods for this information collection.