

**Supporting Statement for
Representative Payment Regulation
20 CFR 404.2011, 404.2025, 416.611 & 416.625
OMB No. 0960-0679**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205 (j)(1)(D) and (3)(A), 702(a)(5), 1631(a)(2)(B)(viii), and (C)(1), and 807 of the *Social Security Act* (the Act) and Section 251(a), Subsection 807 of *Public Law 106-169*, provide that the Social Security Administration (SSA) to issue benefits directly to a representative payee (a relative, another person or an organization interested in or concerned about the welfare of the beneficiary) when we determine that it is not in a beneficiary's best interest to receive benefits directly. 20 CFR 404.2011 and 20 CFR 416.611 of the *Code of Federal Regulations*, allow beneficiaries to dispute SSA's finding of substantial harm. 20 CFR 404.2025 and 20 CFR 416.625 of the *Code of Federal Regulations* provide a process to follow up with the representative payee to verify payee performance.

2. Description of Collection

Per 20 CFR 404.2011 and 20 CFR 416.611 of the *Code of Federal Regulations*, if SSA determines it may cause substantial harm for beneficiaries to receive their payments directly, beneficiaries may dispute that decision. 20 CFR 404.2025 and 20 CFR 416.625 of the *Code of Federal Regulations* provide a process to follow up with the representative payee to verify payee performance. To do so, beneficiaries provide SSA with information the agency will use to re-evaluate its determination. In addition, after SSA selects a representative payee to receive benefits on a beneficiary's behalf, the payees provide SSA with information on their continuing relationship and responsibility for the beneficiaries, and explain how they use the beneficiaries' payments. 20 CFR 404.2025 and 20 CFR 416.625 of the *Code of Federal Regulations* provide a process to follow up with the representative payee to verify payee performance. This Information Collection Request is for the CFR citations that mandate these provisions.

3. Use of Information Technology to Collect the Information

SSA does not collect the information through forms. SSA may obtain the information during a phone conversation with the beneficiary, when we recontact a representative payee for allegations of misuse, or during an expanded monitoring program site visit.

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 significantly affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

There are very few instances where a beneficiary disputes our finding of substantial harm. However, if we did not collect this information, we would be unable to afford the beneficiary their right to dispute our finding. Further, recontact with a representative payee after selection may be necessary to ensure the beneficiary is not at risk. Because we collect the information on an as needed basis, we cannot collect the information 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 April 10, 2012, at 77 FR 21616, and we received no public comments. The 30-day FRN published on June 22, 2012 at 77 FR 37728. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the maintenance of this collection development.

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

| CFR Section | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated annual burden (hours) |
|--------------------------------------|------------------------------|------------------------------|--|--|
| 404.2011(a) (1) 416.611(a) (1) | 250 | 1 | 15 | 63 |
| 404.2025 416.625 | 3,000 | 1 | 6 | 300 |

| | | | | |
|---------------|--------------|--|--|------------|
| Totals | 3,250 | | | 363 |
|---------------|--------------|--|--|------------|

The total burden for this ICR is 363 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$50,733. This estimate is a projection of the costs for collecting and processing the information.

15. Program Changes or Adjustments to the Information Collection Request

There are no changes in 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 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. 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.