

**Supporting Statement for Forms SSA-637 and SSA-639
Site Review Questionnaire for Volume and Fee-for-Service Payees, and
Beneficiary Interview Form
20 CFR 404.2035, 404.2065, 416.665, 416.701, and 416.708**

OMB No. 0960-0633

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(j)(1)(A) and section 1631(a)(2) of the *Social Security Act (Act)* provide for the payment of Social Security benefits and Supplemental Security Income (SSI) to a relative, another person, or an organization when the best interest of the beneficiary or SSI recipient will be served. 20 CFR 404.2065 and 416.665 of the *Code of Federal Regulations* require representative payees to keep records on the use of benefits and payments, and to submit a written report accounting for these benefits to SSA. These regulations also specify that SSA may verify, in certain situations, how a representative payee used the funds. 20 CFR 404.2035, 416.701 and 416.708 discuss the responsibilities of representative payees.

In March 2004, Congress passed Public Law (Pub.L.) 108-203. Section 102(b) of Pub.L. 108-203, amended sections 205(j)(6)(A) and 1631(a)(2)(G)(i) of the *Act* to require SSA to conduct periodic on-site (site) reviews of representative payees who meet the criteria described in sections 205(j)(6)(A)(i), 205(j)(6)(A)(ii), 205(j)(6)(A)(iii), 1631(a)(2)(G)(i)(I), 1631(a)(2)(G)(i)(II), and 1631(a)(2)(G)(i)(III) of the *Act*. We use Forms SSA-637 and SSA-639 to verify representative payees are complying with their responsibilities to keep records on their use of Social Security benefits and SSI payments (20 CFR 404.2065 and 416.665) and make the required reports (20 CFR 404.2035, 416.701 and 416.708). We also use the forms to assist us in fulfilling our responsibility to conduct periodic on-site (site) reviews of representative payees under sections 205(j)(6)(A) and 1631(a)(2)(G)(i) of the *Act*.

2. Description of Collection

Due to passage of Pub.L. 108-203, the Social Security Protection Act, SSA initiated triennial site reviews for: 1) organizations serving 50 or more Social Security beneficiaries and SSI recipients and 2) individuals serving 15 or more Social Security beneficiaries and SSI recipients. The reviews include 1) a face-to-face meeting with the payee (and appropriate staff); 2) examination/verification of a sample of beneficiary records; 3) supporting documentation; and 4) beneficiary/recipient (if competent adult) or custodian (if different from payee) interviews.

SSA audits representative payees regarding their compliance with the mandated

regulations using the SSA-637, Site Review Questionnaire for Volume and Fee-for-Service Payees, and the SSA-639, Beneficiary Interview Form. The SSA-637 obtains information from the payee about how the organization operates and carries out its representative payee responsibilities, including how it manages beneficiary and SSI recipient funds. The SSA-639 obtains information from beneficiaries and SSI recipients to help corroborate the payee's statements.

As part of the process, SSA employees interview all the respondents in person. Respondents do not have help and will not need information from someone else, unless the beneficiary/SSI recipient respondent is an individual who is not capable of understanding the questions or communicating. In those cases, we ask someone who knows and is concerned for the respondent's welfare. Due to the sensitivity of the information, SSA employees always complete the forms based on the answers respondents give during the interviews.

This collection is mandatory for representative payees and voluntary for beneficiaries and SSI recipients. We will not permit representative payees who do not respond to continue serving as representative payees. The respondents are individuals, State and local governments, non-profit and for-profit organizations that serve as representative payees, and the beneficiaries and SSI recipients they serve.

3. Use of Information Technology to Collect the Information

This is a paper information collection available as a PDF print-only form on the SSA Intranet. Only SSA employees complete the forms during the interviews with representative payees, beneficiaries, and SSI recipients during on-site reviews. Therefore, respondents never fill out or return these forms to SSA.

4. Why We Cannot Use Duplicate Information

Some of the information collection (e.g., questions on direct deposit of benefits) may duplicate information contained in SSA's Representative Payee System (RPS). However, SSA needs to collect current information to ensure our records are accurate and up to date, to ascertain representative payee fraud, and to ensure representative payees are complying with their fiduciary and reporting responsibilities for beneficiaries/SSI recipients. The RPS system may not have the most recent information.

5. Minimizing Burden on Small Respondents

This collection affects small businesses or other small entities. However, if we did not impose this burden, we would be unable to verify that small business or other small entities serving as representative payees are complying with their fiduciary and reporting responsibilities to which they agreed to perform on behalf of beneficiaries and SSI recipients. We minimized the burden by carefully reviewing the form and ensuring we only ask small businesses/entities to complete relevant and necessary questions. In addition, for those representative payees subject to site reviews under sections 205(j)(6)(A) and 1631(a)(2)(G)(i) of

the *Act*, the information collection is quadrennial (i.e., once every 4 years). For other representative payees, the collection is one-time. In this way, we only request the information when necessary.

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

If we did not collect this information, SSA would be in violation of the law. We need the information to fulfill our responsibility to conduct periodic on-site (site) reviews of representative payees, and therefore 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

SSA published the 60-day advance Federal Register Notice on September 24, 2012 at 77 FR 58903, and we received no public comments. We published the second Notice on December 7, 2012, at 77 FR 73112. If we receive any comments in response to our second 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

We estimate that we will use the Site Review Questionnaire for Volume and Fee for Service Payees for an estimated 1,999 representative payees annually. This number equals approximately one-fourth of the payees who are subject to site reviews under sections *205(j)(6)(A)* and *1631(a)(2)(G)(i)* of the *Act*, a subset of other organizational and individual payees whom we will review at random, and a subset of organizational payees employing beneficiaries. We estimate it takes two hours to gather the information for the questionnaire, for a total annual burden of 3,998 hours.

After reviewing the beneficiaries' and SSI recipients' records, the review team contacts and interviews a sample of these individuals (or their custodians) to ensure the payee is meeting their basic needs for food, housing, clothing, etc. The interview allows SSA to determine if the individual has any unmet needs, is

experiencing any problems with the payee, and to confirm receipt of any large or unusual purchases. We estimate SSA interviews 5 per each site review, 3 beneficiaries/SSI recipients per each random review, and 1 beneficiary/SSI recipient for each individual payee review for a total of 8,293 annually. We estimate it takes 10 minutes for SSA to gather the information on the interview form, for a total annual burden of 1,382. The following chart shows the burden for each form:

Modality of Collection	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-637	1,999	1	2 hours	3,998
SSA-639	8,293	1	10 minutes	1,382
Totals	10,292			5,380

The total burden for this ICR is 5,380 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 Federal Government

The annual cost to the Federal Government is approximately \$233,069. This estimate is a projection of the costs for field office employees to collect the information.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this information collection in 2010, the burden was 5,559 hours. The decrease in burden to 5,380 hours stems from a policy change; we now review volume payees every four years instead of every three years.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection. However, SSA provides Congress with an annual report on our progress in increasing the oversight of organizational payees and improving the monitoring process, including the number of site reviews SSA conducts, relevant findings, and corrective actions.

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 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.

