

**Supporting Statement for
Filing Claims Under the Federal Tort Claims Act
20 C.F.R. Part 429, Subpart 100
OMB No. 0960-0667**

A. Justification

1. Introduction/Authoring Laws and Regulations

The Federal Tort Claims Act (FTCA) is the legal mechanism for compensating persons injured by negligent or wrongful acts that occur during the performance of official duties by Federal employees. The FTCA, *28 USC 2671-2680* of the *United States Code*, authorizes the collection of this information. One can also find authorization in the Code of Federal Regulations, *20 CFR 429.101-110*.

2. Description of Collection

The Social Security Administration (SSA) accepts monetary claims filed under the Federal Tort Claims Act for damages against the United States; loss of property; personal injury; or death resulting from an SSA employee's wrongful act or omission. The regulation sections cleared under this information collection request require claimants to provide information SSA can use to investigate and determine whether to make an award, compromise, or settlement under the FTCA.

In accordance with the law, SSA accepts claims for money damages filed under the FTCA against the United States for the following:

- *20 CFR 429.102-103*: Filing a Claim. To file a claim, an individual or entity must complete the Department of Justice's Standard Form (SF)-95 or submit written notification of the incident accompanied by a claim for money damages in a certain sum for damage to or loss of property caused by the incident.
- *20 CFR 429.104(a)*: Damage to or loss of property. To claim property damage, the individual or entity may submit the following types of evidence: proof of ownership; itemized statements of the amount claimed; itemized receipt of payment for necessary repairs; statements listing purchase, purchase price, market value, and salvage value; or any other evidence bearing on the responsibility of the United States for the injury to, or loss of, property.
- *20 CFR 429.104(b)*: Personal injury. To claim personal injury, the individual or entity may submit a written report from a physician explaining the nature and extent of injury; nature and extent of treatment; any degree of temporary or permanent disability; the prognosis; period of hospitalization; any diminished earning capacity; itemized bills for treatment expenses; and a statement of expected duration of, and expenses for, treatment. We may also

require the individual to submit a written statement from the individual's employer showing actual time lost from employment, or, if self-employed, documentary evidence showing the amount of earnings actually lost. The individual may also submit any other evidence bearing on the responsibility of the United States for the personal injury or damages claimed.

- *20 CFR 429.104(c)*: Death that a negligent or wrongful act or omission an SSA employee caused. To assert that an SSA employee caused a death, the claimant must submit evidence and information such as the following: an authenticated death certificate showing cause of death, date of death, and age at time of death; the employment or occupation at time of death, including the deceased's monthly or yearly salary or earnings (if any), and the duration of last employment or occupation. We may also require information regarding the deceased's survivors; the deceased's general health before death; itemized bills for medical and burial expenses; a physician's detailed statement specifying the injuries suffered; and the deceased's physical condition. In addition, the individual may submit any other evidence or information bearing on the responsibility of the United States for the death or damages claimed.

All of the above regulatory requirements pertain to the claims individuals or entities submit to SSA along with the appropriate evidence or information pertaining to their claims. For the United States to be liable under the FTCA, the federal employee must cause the loss, damage, injury or death in the performance of official duties, under circumstances in which the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

If SSA denies the claim, before filing suit and before the expiration of the 6-month period after the date of mailing the denial notice, the claimant may take the following action:

- *20 CFR 429.106(b)*: File a written request with SSA for reconsideration. The individual must send this written request via certified or registered mail.

The respondents are individuals or entities making a claim under the Federal Tort Claims Act.

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

SSA collects the information through OMB-approved standard form(s), chiefly the SF-95. SSA did not create an electronic form under the agency's Government Paperwork Elimination Act (GPEA) plan because only 40,000 respondents complete the form annually. This is less than the GPEA cut-off of 50,000.

4. **Why We Cannot Use Duplicate Information**
The nature of the information we collect and the manner in which we are collect 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. **Consequences of Not Collecting Information or Collecting it Less Frequently**
If we did not collect this information, SSA would be unable to investigate and determine whether to make an award, compromise, or settlement under the FTCA. Because we only 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 collect this information 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 November 22, 2017, at 82 FR 55707, and we received no public comments. The 30-day FRN published on February 1, 2018 at 83 FR 4722. If we receive any comments in response to this Notice, we will forward them to OMB.
9. **Payment or Gifts to Respondents**
Other than settlement payments where SSA determines that it is liable for the damages alleged under the FTCA and where the amount is under \$2,500, SSA makes no payments to respondents. SSA does not accept gifts from respondents.
10. **Assurances of Confidentiality**
SSA protects and holds confidential the information we collect in accordance *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 sometimes contains questions or information of a sensitive nature. Those agency employees who need the information in the scope of their official duties are the only ones who use the information to make decisions in accordance with the law.

12. **Estimates of Public Reporting Burden**

Modality of Completion	Number of Responses	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden (hours)
429.102; 429.103 ¹	1	1	1	¹
429.104(a)	11	1	5	1
429.104(b)	43	1	5	4
429.104(c)	1	1	5	0
429.106(b)	8	1	10	1
Totals	64			7

The total burden for this ICR is 7 hours. We based these figures on current management data.

13. **Cost to Respondents**

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

14. **Annual Cost to the Federal Government**

The Department of Justice supplies the form (SF-95). The annual cost to the Federal Government is approximately \$550. This estimate accounts for costs from the following areas: (1) distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

15. **Program Changes or Adjustments to the Information Collection**

There are no changes in the public reporting burden. There was an increase in the number of respondents for one of the regulations sections (by 1); however, it was not enough to affect the overall public reporting burden.

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

SSA will not publish the results of the information collection.

17. **Displaying the OMB Expiration Date**

SSA is not requesting an exemption from the requirement to display an expiration date.

18. **Exception to Certification Statement**

¹ The 1 hour represents a placeholder burden. We are not reporting a burden for this collection because we did not want to double count the burden—respondents complete OMB-approved, Department of Justice Form SF-95. SSA estimates 165 SF-95s submitted over the last 3-year period.

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.