

**Supporting Statement for SSA-632-BK & SSA-634
Request for Waiver of Overpayment Recovery
And
Request for Change in Overpayment Recovery Rate
20 CFR 404.502, 20 CFR 404.506-404.512
20 CFR 416.550-416.558, and 416.570-416.571
OMB No. 0960-0037**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 204, 1631, and 1879 of the *Social Security Act (Act)* require the Social Security Administration (SSA) to recover overpayments of Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits, or Supplemental Security Income (SSI) payments made to a beneficiary or recipient, unless the agency can waive recovery of the overpayment. SSA can waive recovery of an overpayment if:

- The individual is not at fault in causing the overpayment; and
- Recovery would deprive the individual of income necessary to meet their ordinary living expenses; or
- Recovery would be against equity and good conscience.

The policies for implementing the pertinent sections of the *Act* are set forth in 20 *CFR* 404.502-404.513, 404.515, 404.520-404.521; and 20 *CFR* 416.550-416.570, 416.572, 416.581, and 422.310 of the *Code of Federal Regulations*.

Section 834 of the *Bipartisan Budget Act of 2015 (BBA)*, Access to Financial Information (AFI) for Waivers and Adjustment Recovery,” requires SSA to obtain authorization from an individual to access certain financial records whenever the Commissioner determines SSA needs the records to determine whether adjustment or recovery of the overpayment defeats the purpose of the *Act*. *BBA* 834 amends sections 204(b) (42 U.S.C. 404(b)) and 1631(b)(1)(B) (42 U.S.C. 1383(b)(1)(B)) of the *Act*.

2. Description of Collection

An overpayment occurs when we pay a beneficiary or recipient more benefits than they are due for a given period. When the individual receives the overpaid benefits, they are responsible for repaying the debt. An overpaid individual may use Form SSA-632-BK to request a waiver from repaying the debt. If an individual believes they cannot repay the debt in 36 months, they use Form SSA-634, to inform SSA that they would like to request a different rate of recovery for their overpayment. The respondents must provide financial information to help SSA determine if the agency can wave their overpayment, or to assist SSA in calculating the amount they can afford to repay each month. Respondents are overpaid individuals who are requesting a waiver of recovery of an overpayment, or a lesser rate of withholding.

3. Use of Information Technology to Collect the Information

Form SSA-632-BK is available as a fillable PDF on SSA's website. Overpaid individuals can print the form; complete and sign it; and mail it to SSA, or they can return the completed form to their local field office. After OMB approval, Form SSA-634 will also be made available as a fillable PDF on SSA's website.

Respondents can also complete the SSA-632-BK via an in-office interview where an SSA employee records the information either on paper, or using the fillable PDF Internet form. The SSA employee prints the form for the individual's or representative payee's signature. In addition, SSA's New York Regional Office developed a local Intranet application (NY Debt Management Release 2) for Title II overpayments on which the field offices can complete Form SSA-632-BK via fillable PDF. Local field offices can access this Intranet application during an interview with the overpaid individual and complete the SSA-632-BK. SSA's policies state that an overpaid individual or their representative payee must put a waiver request in writing, and sign the request, if the overpayment is \$1,000 or more. In addition, an overpaid individual or their representative payee must put a request for a change in overpayment repayment rate in writing, and sign the request, when the requested repayment amount would not permit recovery within 36 months. A parent or legal guardian must sign the AFI authorization if the overpaid individual is a minor child, or if they are a legally incompetent adult.

Currently, these are paper information collections available, and being made available as PDF fillable forms on SSA's website. We scheduled Form SSA-632-BK for electronic implementation, and are in the process of implementing the form electronically. We did not schedule Form SSA-634 for electronic implementation at this time; however, we plan to pursue resources to make the form available electronically as soon as possible.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes 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 we did not use Form SSA-632-BK, it would preclude the waiver process; thereby, it may cause us to recover the overpayment when an individual does not have the means to repay it. If we did not use Form SSA-634, we would not have complete and reliable information to negotiate a proper overpayment repayment agreement when an individual informs us that they cannot repay the overpayment within 36 months. Because we collect this 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 May 9, 2018, at 83 FR 21328, and we received no public comments. The 30-day FRN published on August 6, 2018 at 83 FR 38441. If we receive any comments in response to this Notice, we will forward them to OMB.

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

This information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-632 - Waiver of Overpayment (If completing entire paper form, including the AFI authorization)	400,000	1	120	800,000
Regional Application (New York Debt Management)	30,000	1	120	60,000
Internet Instructions	430,000	1	5	35,833
SSA-634 - Requesting change in repayment rate (completing paper form)	100,000	1	45	75,000

Internet Instructions	100,000	1	5	8,333
Totals	1,060,000			979,166

The total burden for this ICR is **979,166** hours. We based these figures on current management information data when we collected all of the information on one form. 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 \$3,924,997. This estimate accounts for costs from the following areas: (1) designing, printing, and 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 Request

When we last cleared this IC in 2017, the burden was 1,004,667 hours. However, we are currently reporting a burden of 979,166 hours. We based all calculations on management information data when the information was collected on one form. If we need to update burden information in the future, after we separate the two forms, we will update accordingly. The decrease to the burden stems from the creation of a new form, the SSA-634. We created the SSA-634 to help eliminate unnecessary time, paperwork, and confusion when individuals are only requesting a change in the overpayment repayment rate. The burden change stems from two factors: (1) a decrease in the number of respondents for the Regional Application from 44,000 to 30,000, which creates a burden savings of 28,000 hours; and (2) an increase in the respondents for the Internet Instructions from 500,000 to 530,000, which would increase our burden by 2,500 hours. Even though we have an increase in burden for Internet Instructions, the burden hours saved from the decrease in Regional Applications creates our overall burden reduction. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change.

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 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.