

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) payments to a relative, another person, or an organization when it will serve the best interest of the beneficiary or SSI recipient. Sections 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 them to SSA. These regulations also specify that SSA may verify, in certain situations, how a representative payee uses 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*. In April 2018, Congress passed Pub.L. 115-165 to strengthen oversight and beneficiary protections, while improving payee selection and quality. Section 101 of Pub.L. 115-165 requires SSA to make annual grants to the Protection and Advocacy (P&A) system of each state and U.S. territory, which will conduct all reviews of representative payees serving Social Security beneficiaries or SSI recipients. We use Forms SSA-637 and SSA-639 to verify representative payees comply 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 the responsibilities to conduct site reviews of representative payees under sections 205(j)(6)(A) and 1631(a)(2)(G)(i) of the *Act*.

2. Description of Collection

The P&As ask representative payees the questions from Form SSA-637, Site Review Questionnaire for Volume and Fee-for-Service Payees, which provides information on how they carry out their responsibilities, including how they manage beneficiary funds. The P&As then obtain information from the beneficiaries these payees represent via Form SSA-639, Beneficiary Interview Form, to corroborate the payees' statements. Due to the sensitivity of the information, P&A employees always complete the forms based on the answers respondents give during the interview. The respondents are individuals; State and

local governments; non-profit and for profit organizations serving as representative payees; and the beneficiaries they serve.

3. Use of Information Technology to Collect the Information

These forms are available as fillable PDF's on SSA's website. SSA did not create electronic version of Forms SSA-637 and SSA-639 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 26,696 respondents complete the form annually. This is less than the GPEA cut-off of 50,000.

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 electronic Representative Payee System (eRPS). 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 and SSI recipients. The eRPS 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 comply with their fiduciary and reporting responsibilities, 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 or entities to complete relevant and necessary questions.

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 the responsibility to conduct 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

The 60-day advance Federal Register Notice published on October 3, 2018, at 83 FR 49965, and we received no public comments. The 30-day FRN published on December 6, 2018 at 83 FR 62943. 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

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

12. Estimates of Public Reporting Burden

Modality of Completion	Number of Responses	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-637	4,924	1	120	9,848
SSA-639	21,772	1	10	3,629
Totals	26,696			13,477

The total burden for this ICR is **13,477** hours. We based these figures on current management information data. 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 \$26,000,000. 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) information collection and processing time.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2015, the burden was 5,380 hours. However, we are currently reporting a burden of 13,476 hours. Due to Section 101 of Pub.L. 115-165, SSA strengthened its representative payee selection process to appoint higher quality payees, which increased the number of representative payee reviews from 10,292 to 26,696. 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. 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 the P&As conduct, 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.