

**Supporting Statement for Representative Payment Policies and Administrative Procedure
for Imposing Penalties for False or Misleading Statements or Withholding of Information
20 CFR 404.2035(d)(f) and 20 CFR 416.635(d)(f)
OMB No. 0960-0740**

A. Justification

1. Introduction/Authoring Laws and Regulations

The *Social Security Protection Act (SSPA)*, *Public Law 108-203*, amends representative payment policies by providing additional safeguards for Social Security beneficiaries or Supplemental Security Income (SSI) recipients who have representative payees to receive their benefits. Sections *20 CFR 404.2035(d)-(f)* and *20 CFR 416.635(d)(f)* of the *Code of Federal Regulations* contain public reporting requirements to fulfill provisions of the SSPA. Sections *205 (j)-(k)*, *1631(a)(2)*, and *807* of the *Social Security Act* give the Social Security Administration (SSA) the authority to collect the information required under these regulation sections.

2. Description of Collection

This information collection request (ICR) comprises several regulation sections which provide additional safeguards for Social Security beneficiaries, or SSI recipients whose representative payees receive their payments. SSA requires representative payees to notify us of any event or change in circumstances that would affect receipt of benefits or performance of payee duties. SSA uses the information to determine continued eligibility for benefits; the amount of benefits due; and if the payee is suitable to continue servicing as payee.

Sections *20 CFR 404.2035(d)(f)* and *416.635(d)(f)* contain the following information collection requirements:

- The following regulation sections apply to representative payees for beneficiaries of **Federal Old-Age, Survivors, and Disability Insurance** and **Special Benefits for Certain WWII Veterans**:
 - **404.2035(d)** - Representative payees must notify SSA of any event or change in their circumstances that would affect the amount of benefits they receive, their right to receive benefits, or how they receive them.
 - **404.2035(f)** - Representative payees must notify SSA of any change in their circumstances that would affect their ability to perform their responsibilities.
- The following regulation sections apply to representative payees of **Supplemental Security Income for the Aged, Blind, and Disabled** recipients:

- o **416.635(d)** - Representative payees must notify SSA of any event or change in their circumstances that would affect the amount of payments they receive, their right to receive benefits, or how they receive them.
- o **416.635(f)** - Representative payees must notify SSA of any change in their circumstances that would affect their ability to perform their responsibilities.

SSA uses the information, which the above regulation sections mandate, to ensure representative payees are meeting the safeguard requirements mandated by the SSPA. The respondents are representative payees who receive and use benefits on behalf of Social Security beneficiaries.

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

The agency does not have a prescribed form to collect this information: rather, if circumstances arise requiring representative payees to submit this information, they can do so using any modality they wish, in addition to providing proof of the information they submit.

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Intranet system to enter information during a personal interview with the representative payees. Based on our data, we estimate approximately 95% of respondents under this OMB number use the electronic version.

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 could affect small businesses or other small entities, if such groups are representative payees who must report the information mandated by the regulation sections in this ICR. However, since the reporting time is minimal, we cannot minimize it further.

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

If we did not collect the information, we would have no means of meeting SSPA mandates. SSA would also lose a valuable means of tracking representative payee changes, resulting in possible overpayments or underpayments of benefits. 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 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 November 9, 2018, at 83 FR 56133, and we received no public comments. The 30-day FRN published on January 25, 2019 at 84 FR 371. 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. However, we do provide payment to Fee-For-Service organizational payees for the beneficiaries they represent.

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 ICR does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Regulation Section	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
404.2035(d) -- Paper/Mail	29,601	1	5	2,467
404.2035(d) -- Office interview/Intranet	562,419	1	5	46,868
404.2035(f) – Paper/Mail	296	1	5	25
404.2035(f) – Office interview/Intranet	5,624	1	5	469
416.635(d) – Paper/Mail	16,146	1	5	1,346
416.635(d) – Office interview/Intranet	296,424	1	5	24,702
416.635(f) – Paper/Mail	162	1	5	14
416.635(f) – Office interview/Intranet	3,067	1	5	256
Totals	913,739			76,147

The total burden for this ICR is **76,147** hours. We based these figures on current management information data. This figure represents burden 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 \$1,175,760. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time; and (3) systems development, updating, and maintenance costs.

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

When we last cleared this IC in 2015, the burden was 73,570 hours. However, we are currently reporting a burden of 76,147 hours. This change stems an increase in the number of responses from 882,840 to 913,739. 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**

Since there are no official documents or forms for the regulation sections requirements, we will continue to request an exception to the requirement to display the OMB approval expiration date

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.