

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

Sections 205(j)(1)(A) and 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 discusses 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 questions using 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 collection of this information is

mandatory for the completion of all representative payee site reviews. These information collections are used every three or four years depending on the type of payee being reviewed. 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 PDFs on SSA's website and the Representative Payee Monitoring Tool (RPMT). P&As access these forms on the RPMT during face-to-face interviews with the respondent. The P&As record the respondent answers, and once the form is complete, they upload the form to the RPMT. The information collected is used by the P&As to complete the site review final report, and the Corrective Action Plan (CAP), if needed.

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 SSA 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 12, 2021 at 86 FR 56746, and we received no public comments. The 30-day FRN published on January 3, 2022 at 87 FR 139. 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

Please see the burden chart below:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-639 – Individuals	22,000	1	10	3,667	\$19.01*	\$69,710**
SSA-637 – Individuals	500	1	120	1,000	\$19.01*	\$19,010**
SSA-637 – Organizations	4,500	1	120	9,000	\$19.03*	\$171,270**
Totals	27,000			13,667		\$259,990**

* We based the figure for individuals by averaging both the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm). We based the figure for organizations by averaging both the average State and local governments (<https://www.bls.gov/oes/current/oes211093.htm>), and the average non-profit and for-profit organizations serving as representative payees (<https://www.bls.gov/oes/current/oes390000.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **13,667** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual)

opportunity cost financial burden of **\$259,990**. SSA does not charge respondents to complete our applications. We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that the 10 and 120 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate.

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

There is no annual cost to the Federal Government associated with the use of this collection instrument. With the implementation of Section 201 of the SPSSB act of 2018, the use of the SSA-637 and the SSA-639 is now limited to the P&As. The P&As access fillable PDFs of the forms and use them to collect information during Representative Payees Site reviews. Once the forms are completed, the P&As upload the forms into the system and use the information collected as a reference to complete the subsequent reports of findings.

We calculated that on average the P&As were compensated \$8,461 per review. A complete site review of Representative Payees serving beneficiaries involves:

- Printing, recording the payee's answers, and scanning the completed SSA-637 and the SSA-639 into the system,
- Scheduling and completing an on-site visit,
- Reviewing of all accounting records,
- Interviewing required number of the beneficiaries in the facility,
- Reviewing all findings,
- Completing and mailing CAP letters if necessary, and
- Completing the final report to close the case.

We do not have a way to allocate how much the P&As are compensated for the process of accessing, recording the payee answers, and saving the forms into the RPMT System.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC, the burden was 13,477 hours. However, we are currently reporting a burden of 13,667 hours. This change stems from an increase in the number of responses from 26,696 to 27,000. 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. These figures represent current Management Information data.

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.