

**Justification for Non-Substantive Change to Form SSA-634
Request for Change in Overpayment Recovery Rate
20 CFR 404.502, 20 CFR 416.571
OMB No. 0960-0037**

Background of the 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. When an overpaid individual is unable to meet their necessary and ordinary living expenses due to the withholding of their monthly payment(s), SSA informs the overpaid individual of the availability of a different rate of overpayment withholding but no less than \$10 per month. When a negotiated monthly rate of withholding would not permit recovery of the overpayment within 36 months, the individual must complete form SSA-634, Request for Change in Overpayment Recovery Rate. This authority is in *20 CFR 404.502 and 20 CFR 416.571*. This form documents the overpaid individual's income, assets, and expenses in order to justify the negotiated monthly withholding rate.

Revision to the SSA-634:

Change: We are removing the signature requirement from the form.

Justification: We are making this change to comply with the commitment of the Executive Order (EO) 14058, which includes removing requirements that members of the public provide physical signatures.

SSA will implement this change upon OMB approval. This change does not affect the public reporting burden.

Terms of Clearance

OMB placed the following Terms of Clearance on this Information Collection when they approved it on September 12, 2023:

The agency made revisions to the form to further reduce burden on respondents, including through removing certain questions, adding a question related to administrative tolerance (under 20 CFR 416.555) and aligning how it collects and uses active SSI receipt to support determinations under 20 CFR 416.553.

The agency will complete an additional ICR revision and initiate the process through a Federal Register sixty-day notice no later than December 12, 2023. In the sixty-day Federal Register notice, the agency will specifically solicit feedback on:

- 1. How it can most effectively ask questions related to determining whether or not a respondent is "without fault" in a manner that is minimally burdensome. The agency will specifically seek comment on replacing the free-form response option ("Tells us what you know about why the overpayment may have happened.") with a set of*

structured responses options intended to reflect common reasons related to a failure to timely report a change to the agency. Response options the agency should take comment on should include, but not be limited to:

"• I did not know that I needed to report the change that SSA says caused the overpayment

- I did not know about the change that SSA says caused the overpayment*
- I did not believe it was a significant enough change to report.*
- I knew that I was supposed to report the change but chose not to report it.*
- I thought I reported the change, or I tried to report the change but was unable to.*
- I do not believe SSA is correct that there was a change.*
- I forgot to report the change.*
- I don't know.*
- Other"*

- 2. Whether, consistent with SSA's regulations, it is necessary or whether there is a better way to ask about the respondent the "reason" (current question 2, part 2 of the SSA-632) they are requesting an overpayment waiver.*
- 3. How it can revise the form, associated notice, or agency business processes to most effectively facilitate minimally burdensome collection requirements under its administrative waiver policy.*
- 4. How it can revise the form, associated notice, or agency business processes to most effectively facilitate minimally burdensome collection requirements for individuals whose overpayment is the result of receipt of benefits under the statutory benefits continuation policy (after having pursued an appeal in good faith)*
- 5. Other suggestions for improving the design or communication on the form or associated notices to reduce burden on respondents.*
- 6. Whether it should provide a mechanism on the form to allow for respondents to jointly request a reconsideration and a waiver on the same form.*
- 7. Whether there are less burdensome ways to ask respondents about the expenses they incur, or whether there are alternative mechanisms for ascertaining or asking*

whether or not a claimant uses their income for ordinary and necessary living expenses.

8. *Whether or not documentation should be required for expenses when an individual's alleged expenses are not unusually high.*
9. *Whether or not there are particular payment rules that, in the experience of the commenter, are particularly difficult to timely comply with or understand, resulting in overpayments.*
10. *Whether or not the agency's burden estimate of 120 minutes accurately reflects the beginning-to-end quantified time burden associated with this form, which may include reviewing and comprehending relevant notices; reading and understanding instructions; tracking down records and documentation; filling out the form; consulting with any third parties to help navigate form requirements (to include time spent by third-parties separate from the respondent's time spent); and travel associated with the collection.*

In revising the ICR a further time, the agency will also re-evaluate the time burden of completing the information collection, lending due weight to recent public comments that estimate this burden.

Finally, the agency will work collaboratively with OMB to develop a redesigned overpayment notice this fall with an objective of more clearly and concisely explaining available recourses to respondents consistent with human-centered design best practices. In developing this notice, the agency will also consider how to include in the notice specific information regarding how each payment rule relevant to the beneficiary's total payment amount contributed to the overall determination of the revised payment amount for each month the claimant was overpaid.

SSA Response: SSA is still working to address the September 2023 Terms of Clearance. We are asking for approval to remove the signature requirement first; however, as we believe it will have immediate benefits for the respondents.

Resubmission of the Collection within One Year of OMB Approval

As previously indicated, SSA is submitting the non-substantive change within one year of OMB Approval. This change is rooted in recent Executive Order 14058, which was effective after the October 2021 submission to OMB.