# Supporting Statement for Form SSA-632-BK

# Request to Waive an Overpayment

# 20 CFR 404.506-404.512, 404.601,416.550-416.558, and 416.570

**and Form SSA-634**

# Request for Change in Overpayment Recovery Rate

# 20 CFR 404.502 and 416.571

**OMB No. 0960-0037**

1. **Justification**
2. **Introduction/Authoring Laws and Regulations**

Sections *204, and 1631* of the *Social Security Act (Act)* requirethe 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 overpaid individuals of the income and resources to meet their ordinary and necessary living expenses; or
* Recovery would be against equity and good conscience.

SSA may also waive recovery of a Medicare premium debt using the same criteria that we use when we waive an overpayment.

The policies for implementing the pertinent sections of the *Act* are set forth in

*20 CFR 404.502-404.513, 404.515, 404.520-404.521,404.601;* 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*.

1. **Description of Collection**

When individuals receive more money than they are due, SSA is required to collect the overpaid money. On rare occasions, a manual review of a record may reveal a premium debt of past-due premiums for Supplementary Medical Insurance (SMI) that were not withheld from monthly benefits or not billed to the beneficiary. There are also rare occasions when a refund of premiums was sent to beneficiaries when no refund was due. In these few cases, SSA mails the beneficiaries a notice informing them of the right to request a waiver and to contact SSA. The notice informs the individual about the overpayment, the amount owed, and the repayment option. The notice also provides information about completing the SSA-632-BK, Request to Waive an Overpayment, and SSA to complete Form SSA-634, Request for Change in Overpayment Recovery Rate.

When individuals receive notification of the overpayment, SSA employees routinely answer questions from the public providing instructions on how to request and complete the forms. This information is also located on SSA’s website. The respondent may complete SSA-632-BK and SSA-634 in person, by mail, or on the phone. The information collected on the SSA-632-BK is mandatory for SSA to determine if we can waive an overpayment or premium debt that is over $2,000. The SSA-632 is given to respondents upon request. Respondents may complete this form alone or with help. SSA has technician instructions on how to process these cases. To determine if an overpaid individual can repay the overpayment or premium debt, SSA requires respondents to provide their authorization for SSA to obtain their financial account information. A legal guardian or parent must sign the financial authorization for an adult who is legally incompetent or if the overpaid individual is a child. In addition, respondents must provide their income and resources for household family members.

The information collected on the SSA-634 is mandatory for SSA to approve a negotiated monthly rate of withholding that would not permit recovery of the overpayment within 60 months. SSA employees collect this information as a one‑time collection. Overpaid individuals complete and submit this form along with proofs of their income, assets, and expenses. The individuals may complete this form alone or with help.

SSA has no record of a psychological cost associated with these forms. Respondents are overpaid individuals who are requesting a waiver of recovery of an overpayment, or a lesser rate of withholding.

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

This collection has a public-facing fillable and submittable version which the respondent can submit using SSA’s Upload Documents Portal (OMB No. 0960‑0830). Upload Documents allows the respondent to complete the fillable PDF, electronically sign the SSA-632-BK, and submit the information through the Upload Documents Portal. The SSA-634 does not require a signature.

The submittable version mirrors the paper version and provides respondents with an online service option as an alternative to mailing, faxing, or bringing the form to an SSA field office. Use of the Upload Documents Portal does not require respondents to download and install the application locally on their device or pay any subscription or licensing fees, and we account for the burden for using Upload Documents under OMB No. 0960-0830.

1. **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.

1. **Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

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

If we did not use Form SSA-632-BK, we would not have necessary information to make a waiver determination for overpayments or premium debts. If we did not use Form SSA-634, we would not have necessary information to negotiate a proper overpayment repayment agreement when individuals inform us that they cannot repay the overpayment within 60 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.

1. **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*.

1. **Solicitation of Public Comment and Other Consultations with the Public**The 60-day advance Federal Register Notice published on March 13, 2024, at 89 FR 14897. We requested public comments and encouraged public feedback on the form and on a specified list of issues. We will provide and address the comments at a later date. We are still considering the feedback received from this solicitation, while we do so, we are seeking reclearance of the current, unedited version of the form. The 30-day FRN published on March 11, 2025, at 90 FR 11771. If we receive any comments in response to this Notice, we will forward them to OMB.
2. **Payment or Gifts to Respondents**

SSA does not provide payments or gifts to the respondents.

1. **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.

1. **Justification for Sensitive Questions**

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

1. **Estimates of Public Reporting Burden**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **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)\*** | **Average Wait Time in Field Office or for Teleservice Centers**  **(minutes) \*\*** | **Total Annual Opportunity Cost (dollars)\*\*\*** |
| SSA-632-BK | 400,000 | 1 | 60 | 400,000 | $22.39\* | 21\*\* | **$12,090,600\*\*\*** |
| SSA-634 | 100,000 | 1 | 45 | 75,000 | $22.39\* | 21\*\* | **$2,462,900\*\*\*** |
| **Totals** | **500,000** |  |  | **475,000** |  |  | **$14,553,500\*\*\*** |

\* We based this figure on the average DI payments based on SSA's current FY 2025 data (<https://www.ssa.gov/legislation/2024FactSheet.pdf>) and on 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 this figure on the average FY 2025 wait times for field offices, based on SSA’s current management information data.

In addition, OMB’s Office of Information and Regulatory Affairs is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA’s current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97-mile driving distance for one-way travel. We depict this on the chart below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Total Number of Respondents Who Visit a Field Office** | **Frequency of Response** | **Average One-Way Travel Time to a Field Office (minutes)** | **Estimated Total Travel Time to a Field Office (hours)** | **Total Annual Opportunity Cost for Travel Time (dollars)\*\*\*** |
| 500,000 | 1 | 30 | 250,000 | $5,597,500\*\*\* |

\*\*\*\* We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the *5 CFR 1320.8(a)(4)*, which requires us to provide “time, effort, or financial resources expended by persons [for]…transmitting, or otherwise disclosing the information,” as well as *5 CFR 1320.8(b)(3)(iii)* which requires us to estimate “the average burden collection…to the extent practicable.” SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data, which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents’ mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total opportunity cost estimates in the paragraph below

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 **45** and **65** minutes accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **475,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **$20,151,000**. SSA does not charge respondents to complete our applications.

1. **Annual** **Cost to the Respondents (Other)**

This collection does not impose a known cost burden on the respondents.

1. **Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately **$8,195,840**. This estimate accounts for costs from the following areas:

|  |  |  |
| --- | --- | --- |
| **Description of Cost Factor** | **Methodology for Estimating Cost** | **Cost in Dollars\*** |
| Designing and Printing the Form | Design Cost + Printing Cost | $50,000 |
| Distributing, Shipping, and Material Costs for the Form | Distribution + Shipping + Material Cost | $0\* |
| SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time | Number of respondents x processing time in minutes ÷ by 60 x hourly rate for SSA employee processing form (GS-11) | $8,139,000 |
| Full-Time Equivalent Costs | Out of pocket costs + Other expenses for providing this service | $0\* |
| Systems Development, Updating, and Maintenance | GS-9 employee x man hours for development, updating, maintenance | $6,840 |
| Quantifiable IT Costs | Any additional IT costs | $0\* |
| **Total** |  | **$8,195,840** |

\* We have inserted a $0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. It is difficult for us to break down the cost for processing a single form, as field office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

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

There are no changes to the public reporting burden.

\* Note: The total burden reflected in ROCIS is **900,000**, while the burden cited in #12 of the Supporting Statement is **500,000**. This discrepancy is because the ROCIS burden reflects the following components: field office waiting time +rough estimate of a 30-minute, one-way, drive burden.+ teleservice center wait time In contrast, the chart in #12 of the Supporting Statement reflects actual burden.

1. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

1. **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.

1. **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.