

**Supporting Statement for Prohibition of Payment of SSI Benefits to  
Fugitive Felons and Parole/Probation Violators  
20 CFR 416.708(o)  
OMB No. 0960-0617**

**A. Justification**

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

Section 202(a) of *Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, amends Section 1611(e)(4) of the *Social Security Act* to preclude eligibility for Social Security Income (SSI) payments for certain fugitives and probation or parole violators. Section 20 CFR 416.708(o) of the *Code of Federal Regulations* requires individuals applying for, or receiving SSI benefits to report to SSA that: (1) they are fleeing to avoid prosecution for a crime; (2) they are fleeing to avoid custody or confinement after conviction of a crime; or (3) they are violating a condition of probation or parole. However, with the implementation of *Martinez v. Astrue*, No.08-4735 CW, a case in the U.S. District Court for the Northern District of California (2009) and *Clark v. Astrue*, No.06 Civ. 15521 (SHS), a case in the U.S. District Court for the Southern District of New York (2012), we changed our policy to deny eligibility or suspend payments for three fleeing codes. We collect this information using the Felony Warrant and Parole or Probation Violation Warrant screens within the SSI Claims systems.

**2. Description of Collection**

SSA uses the information we collect to determine eligibility on an initial application for SSI payments or for a program evaluation of existing recipients using the redetermination (RZ) process. SSA employees will collect this information through a personal interview and document an applicant or a recipient's response on the Felony Warrant screen within the SSI Claims system. The collection is mandatory to ensure that an applicant or recipient does not have a warrant for one of the three fleeing codes. If the respondent has a warrant for one of the three fleeing codes, SSA uses this information to deny payments. The respondents are SSI applicants and recipients, or their representative payees, who are reporting their status as a fugitive felon or probation or parole violator.

We identified the following psychological cost based on the requirements for this information collection:

- **Psychological Cost #1:**
  - **Requirement for the Program:** during an initial application or the redetermination (RZ) process, a SSA employee will ask the applicant or recipient if they have a fleeing warrant without providing a clear explanation on why we need this information to determine program eligibility.

- o **Psychological Cost:** the applicant or recipient may perceive this question as intrusive and may be hesitant to respond to the question, especially if they have a criminal background.

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

SSA employees collect this information by personal interview from SSI applicants and recipients, or the representative payees of SSI applicants and recipients. We estimate 100% of the respondents respond via personal interviews captured using the SSI Claim System when processing initial application and RZs. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle. In addition, as there is no paper form for this collection, it is not suitable for submittable PDF implementation.

**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 does not affect small businesses or other small entities.

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

If we did not collect the fugitive felon and parole or probation violator information, we may issue an SSI payment to individuals who are not eligible to receive these payments. 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.

**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 August 19, 2024 at 89 FR 67141, and we received no public comments. The 30-day FRN published on October 24, 2024 at 89 FR 84431. 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 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)** |
|---------------------------------------------------------------------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---------------------------------------------------|-------------------------------------------|
| Fugitive Felon and Parole or Probation Violation screens within the SSI Claims System | 1,000                 | 1                     | 1                                     | 17                                    | \$31.48*                                          | \$535**                                   |

\* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)).

\*\* 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.**

We calculated the following Learning Cost time burden based on the estimated time and effort we expect respondents will take to learn about this program, its applicability to their circumstances, and to cover any additional research we believe respondents may need to take to understand how to comply with the program requirements (beyond reading the instructions on the collection instrument):

| <b>Total Number of Respondents</b> | <b>Frequency of Response</b> | <b>Estimate Learning Cost (minutes)</b> | <b>Estimated Total Annual Burden (hours)</b> | <b>Total Annual Learning Cost (dollars)***</b> |
|------------------------------------|------------------------------|-----------------------------------------|----------------------------------------------|------------------------------------------------|
| 1,000                              | 1                            | 15                                      | 250                                          | \$7,870                                        |

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

We base our burden estimates on years of conducting this information collection. We believe that 16 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). The current burden information we provided is estimated. The total burden for this collection instrument is 21 burden hours, which results in an associated theoretical (not actual) opportunity cost financial burden of \$661. SSA does not charge respondents to complete our applications.

**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 \$24,600. This estimate accounts for costs from the following areas:

| <b>Description of Cost Factor</b>                                                                   | <b>Methodology for Estimating Cost</b>                          | <b>Cost in Dollars*</b> |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-------------------------|
| Designing and Printing the Form                                                                     | Design Cost + Printing Cost                                     | \$0*                    |
| 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 | GS-9 employee x # of responses x processing time                | \$24,600                |
| Full-Time Equivalent Costs                                                                          | Out of pocket costs + Other expenses for providing this service | \$0*                    |
| Systems Development,                                                                                | GS-9 employee x man hours                                       | \$0*                    |

|                           |                                        |                 |
|---------------------------|----------------------------------------|-----------------|
| Updating, and Maintenance | for development, updating, maintenance |                 |
| Quantifiable IT Costs     | Any additional IT costs                | \$0*            |
| <b>Total</b>              |                                        | <b>\$24,600</b> |

\* 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 and State Disability Determination Services 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.

- 15. Program Changes or Adjustments to the Information Collection Request**  
There are no changes to the public reporting burden.

- 16. Plans for Publication Information Collection Results**  
SSA will not publish the results of the information collection.

- 17. Displaying the OMB Approval Expiration Date**  
SSA is not requesting 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.