

**SUPPORTING STATEMENT FOR
AUTHORITY TO OBTAIN INFORMATION FOR REISSUANCE
OF ECONOMIC RECOVERY PAYMENTS TO ESTATES
OMB NO. 0960-NEW**

REQUEST FOR EMERGENCY CLEARANCE

A. Justification

1. Need for the Information Collection and Legal/Administrative Justification

For Social Security beneficiaries or Supplemental Security Income (SSI) recipients who died after certification for Economic Recovery Payment (ERP) under *Sec. 2201 of P.L. 111-5*, of the *American Recovery and Reinvestment Act of 2009 (ARRA)*, and whose payment returned to SSA because of their death, SSA could repay the deceased's estate upon request from a valid estate representative.

SSA has received requests from the estates, or the deceased's estate representatives, asking SSA to reissue the ERP to the deceased's estate. Although the ARRA has no provision discussing payment of ERPs to estates, SSA's Office of General Counsel has opined the ARRA provides a right to receive an ERP at the time of certification, and this right does not terminate with the recipient's death.

Because of the legal considerations discussed above, if a Social Security beneficiary or SSI recipient died before financially transacting the ERP, and the estate representatives of these beneficiaries/recipients approaches the agency and can provide the required information, SSA could provide the ERP reimbursement to the estate representatives. However, estate representatives must provide SSA with proof of authority to represent the estate.

SSA proposes the emergency clearance of authority to obtain specific information to verify the authenticity of individuals holding themselves out as estate representatives of deceased Social Security beneficiaries or SSI recipients who did not financially transact (i.e., cashed or deposited to a financial institution) their ERP. Because this is a time sensitive process with a statutory deadline for payments under the ARRA of December 31, 2010, we are requesting emergency clearance of authority to obtain this information.

2. How, By Whom, and For What Purpose the Information Will Be Used

ERPs are not SSA benefits. However, SSA has responsibility for reissuance to estate claims for ERPs of Social Security beneficiaries or SSI recipients returned due to the death of the individual. To accomplish this, SSA proposes to obtain information via the requirements of our Program Operations Manual System (POMS), SSA's program instructions.

SSA needs to collect the following information from the estate representative(s):

- a request for payment of the ERP as representative of the deceased's estate;
- information about the deceased Social Security beneficiary or SSI recipient;
- proof that the representative meets the requirements for representing the estate as required by the appropriate jurisdiction;
- statements and proofs under penalty of perjury; and,
- a request for reissuance of the ERP.

Due to the statutory deadline for payment under the ARRA and the time sensitive requirement of obtaining proper documentation for reissuance, all contact with representatives will be directed to their local field office (FO) for face-to-face interviews. Because we anticipate a small pool of respondents and are asking only a few questions, we are not creating a form for this collection; rather we will ask the required information when estate representatives come to an SSA field office.

By documenting the statements, SSA:

- authenticates and authorizes the representative to do business with us with respect to the ERP issuance;
- acknowledges the representative's right to the issuance of an ERP on behalf of the estate; and,
- collects the information SSA will need to meet Treasury requirements for issuing the ERP.

SSA has created a new business process involving the authentication of all requests for reissuance under the ARRA to expedite the issuance of ERPs to estate representatives.

3. Use of Other Forms of Information Technology for this Information Collection

Because this is a time sensitive process with a statutory deadline for payments under the ARRA of December 31, 2010, and an anticipated low volume of use (less than 50,000), we did not create an Internet application for it under the agency's Government Paperwork Elimination Act plan.

4. Describe Efforts to Identify and Eliminate Duplication

The nature of the information we are collecting, and the manner in which we are collecting it, preclude duplication. SSA does not use another collection instrument to gather similar data.

5. Impact on Small business/Small Entities

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

6. Consequences of Not Conducting the Information Collection/Obstacles to Burden Reduction

If we did not collect this information, SSA would have no means of authenticating ERP estate representatives as such, or facilitating direct payment of ERPs to those estates. Because we will only collect the information on an as-needed basis, we cannot conduct the

information collection less frequently.

There are no technical or legal obstacles that prevent burden reduction.

- 7. Explain Any Special Circumstances Relating to This Information Collection**
There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
- 8. Publication of Federal Register Notices and Solicitation of Public Comment**
SSA published an emergency clearance Federal Register Notice on July 26, 2010 at 75 FR 43609. If we receive any public comments at the close of the public comment period (August 2, 2010), we will forward them to OMB.
- 9. Payment of Gifts to the Respondents**
SSA provides no payment or gifts to the respondents (except for payment of authorized ERP).
- 10. Describe Assurance of Confidentiality to the Respondents**
SSA protects and holds confidential the information we are requesting 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 Questions of a Sensitive Nature**
This information collection does not contain any sensitive questions.
- 12. Burden Estimates for the Information Collection**
We estimate approximately 1,000 respondents will take 20 minutes each to provide this information, for a total of 333 hours. This figure represents burden hours, and we did not calculate a separate cost burden.
- 13. Cost to Respondents**
There is no known cost burden to the respondents.
- 14. Cost to Federal Government**
There would be no additional annual cost to the Federal Government because we are incorporating this business plan with existing business processes already in place.
- 15. Changes to the Public Reporting Burden**
This is a new information collection that places a burden on the public.
- 16. Publication of the Results of the Information**
SSA will not publish the results of the information collection.
- 17. Displaying the OMB Expiration Date**

OMB has exempted SSA from publishing the OMB approval expiration date on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). OMB granted this exemption to avoid destroying otherwise useable editions of forms, avoiding Government waste.

18. OMB Certification Requirements

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.