

litigation is likely to affect the agency or any of its components.

j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which the agency is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that the agency determines that the use of such records is relevant and necessary to the litigation, and that, in each case, the agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is compatible with the purpose for which the records were collected:

- (1) The agency, or any component thereof;
- (2) Any employee of the agency in his or her official capacity;
- (3) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or
- (4) The United States Government, where the agency determines that litigation is likely to affect the agency or any of its components.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:**

**STORAGE:**

Records are stored in electronic media and in paper files and not on the card.

**RETRIEVABILITY:**

Records are retrievable by name, social security number, PIV card serial number, or Card Holder Unique Identification Number.

**SAFEGUARDS:**

Paper records are kept in locked cabinets in secure facilities and access to them is restricted to individuals whose role requires use of the records. Access to facilities will be controlled by the PIV card. The System requires a PIV card to log on and to digitally sign transactions. The computer servers in which records are stored are located in facilities that are secured by alarm systems and off-master key access. The computer servers themselves are password-protected. Access to individuals working at guard stations is password-protected; each person granted access to the system at guard stations must be individually authorized to use the system. A Privacy Act Warning Notice appears on the monitor screen when records containing information on individuals are first displayed. Data exchanged between the servers and the client PCs at the guard stations and badging office are

encrypted. Backup tapes are stored in a locked and controlled room in a secure, off-site location.

An audit trail is maintained and reviewed periodically to identify unauthorized access. Persons given roles in the PIV process must complete training specific to their roles to ensure they are knowledgeable about how to protect individually identifiable information. The system uses the high risk confidentiality and integrity security controls specified in the National Institute of Standards and Technology Special Publication 800-53.

**RETENTION AND DISPOSAL:**

Records relating to persons covered by this system are retained in accordance with General Records Schedule 18, Item 17. Unless retained for specific, ongoing security investigations, for maximum security facilities, records of access are maintained for five years and then destroyed by wiping hard drives and shredding paper. For other facilities, records are maintained for two years and then destroyed by wiping hard drives and shredding paper. All other records relating to employees are destroyed two years after ID security card expiration date.

In accordance with FIPS 201-1, PIV Cards are deactivated within 18 hours of cardholder separation, notification of loss of card, or expiration. The information on PIV Cards is maintained in accordance with General Records Schedule 11, Item 4. PIV Cards that are turned in for destruction are shredded within 90 days.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Assistant Administrator/Human Capital Management, United States Small Business Administration, 409 3rd Street, SW., Washington, DC 20416. Associate Administrator for Disaster Assistance, United States Small Business Administration, 409 3rd Street, SW., Washington, DC 20416. This responsibility may be delegated.

**NOTIFICATION PROCEDURES:**

An individual may submit a record inquiry either in person or in writing to the System Manager or the Senior Agency Official for Privacy. When requesting notification of or access to records covered by this Notice, an individual should provide his/her full name, date of birth, and work location. An individual requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access, such as a government-issued photo ID.

Individuals requesting notification via mail or telephone must furnish, at minimum, name, date of birth, social security number, and home address in order to establish identity.

**ACCESS PROCEDURES:**

The Systems Manager or Senior Agency Official for Privacy will determine the process. Requesters should reasonably specify the record contents being sought.

**CONTESTING PROCEDURES:**

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting, state the corrective action sought and the reasons for the correction along with supporting justification showing why the record is not accurate, timely, relevant, or complete.

**SOURCE CATEGORIES:**

Employee, contractor, or applicant; sponsoring SBA; former sponsoring SBA; other Federal agencies; contract employer; former employer.

Dated: September 22, 2006.

**Christine Liu,**

*Departmental Privacy Officer.*

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**SOCIAL SECURITY ADMINISTRATION**

**Agency Information Collection Activities: Proposed Request and Comment Request**

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk

Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202-395-6974.

(SSA), Social Security Administration, DCFAM, *Attn:* Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410-965-6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410-965-0454 or by writing to the address listed above.

1. Certification of Period of Temporary Institutionalization and Need to Maintain Home—20 CFR 416.212(b)(1)—0960-0516. SSA is required by law to collect the information necessary to establish eligibility for continued Supplemental Security Income (SSI) benefits for temporarily institutionalized individuals. Sections 1611(e)(1)(G)&(H) of the Social Security Act require the Commissioner to establish procedures for determining that a physician has certified that the period of confinement is not likely to exceed 3 months, and for determining that the recipient needs to continue to maintain and provide for the expense of a home or living arrangement.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 60,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 5 minutes.

*Estimated Annual Burden:* 5,000 hours.

2. Representative Payee Report—20 CFR 404.2035, 404.2065, 416.635, and 416.665—0960-0068. SSA uses forms SSA-623 and SSA-6230 to determine if (1) payments sent to individual representative payees have been used for Social Security beneficiaries' current maintenance and personal needs and (2) the representative payee continues to be a capable representative concerned with the beneficiary's welfare. The respondents are individual representative payees for recipients of Social Security benefits.

*Type of Request:* Revision to an OMB-approved information collection

*Number of Respondents:* 5,500,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 1,375,000 hours.

3. Representative Payee Report—20 CFR 404.265 and 416.665—0960-0691. Form SSA-6234 is used to collect information from organizational representative payees, such as institutions, to determine if (1) payments sent to these representative payees have been used for Social Security beneficiaries' current maintenance and personal needs; (2) the representative payees continue to be capable representatives concerned with beneficiaries' welfare; and (3) the representative payee organization is charging the beneficiary a fee, and if so, the amount of the fee. The respondents are organizational representative payees.

*Type of Request:* Revision of an OMB-approved collection.

*Number of Respondents:* 750,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 187,500.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-0454, or by writing to the address listed above.

1. Annual Earnings Test Direct Mail Follow-Up Program Notices—20 CFR 404.452-404.455—0960-0369. The Mid-Year Mailer (MYM) is used to ensure that Retirement Survivors Insurance (RSI) payments are correct. Beneficiaries under full retirement age (FRA) use Forms SSA-L9778, L9779, and L9781 to update their current year estimate and their estimate for the following year. MYM Forms SSA-L9784 and L9785 are designed to request earnings estimates in the year of FRA for the period prior to the month of FRA. Only one individually tailored Form is sent per respondent. Respondents are RSI beneficiaries with earnings over the exempt amount.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 225,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 10 minutes.

*Estimated Annual Burden:* 37,500 hours.

2. Internet Request for Replacement of Forms SSA-1099/SSA-1042S—20 CFR 401.45—0960-0583. The information collected will be used by SSA to verify

identity and to provide replacement copies of Forms SSA-1099/SSA-1042S needed to prepare Federal tax returns. This internet option to request a replacement SSA-1099/SSA-1042S will eliminate the need for a phone call to the national 800 number or a visit to a local field office. The respondents are beneficiaries who are requesting a replacement SSA-1099/SSA-1042S.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 21,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 1.5 minutes.

*Estimated Annual Burden:* 525 hours.

3. SSA Survey of Online Services Internet Panel—0960-NEW. SSA plans to conduct an online panel survey with pre-retirement individuals. The survey will ask a number of questions about participants' experiences with SSA's Internet-based services. The results of the survey will be used to assess awareness of SSA Internet-based services and to identify ways to increase awareness of these services in the pre-retirement population. The respondents are individuals ages 50-67 who are employed and who have agreed to be contacted via e-mail for online surveys.

*Type of Request:* New information collection.

*Number of Respondents:* 1,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 250 hours.

4. Medicare Part B Income-Related Premium—Life-Changing Event Form—0960-NEW. As per the Medicare Modernization Act of 2003, beginning in January 2007 selected beneficiaries of Medicare Part B insurance will have to pay a new income-related monthly adjustment amount (IRMAA). The amount of the IRMAA is based on income tax return data obtained from the Internal Revenue Service. If affected Medicare Part B beneficiaries believe that more recent tax data should be used because a life-changing event has occurred that significantly reduces their income, they can report these changes to SSA and ask for a new initial determination of their IRMAA. SSA believes that most respondents will go to a field office and do this in person; however, some respondents may choose to contact SSA by mail and they can use form SSA-44, the Medicare Part B Income-Related Premium—Life-Changing Event form. The respondents are Medicare Part B beneficiaries who want SSA to use more recent income data in determining the amount of their IRMAA.

Type of Request: New information collection.

Method of information collection	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Personal Interview .....	68,490	1	60	68,490
Form .....	7,610	1	90	11,415
Total .....	76,100	.....	.....	79,905

Total Burden Hours: 79,905 hours.

Dated: September 26, 2006.

**Elizabeth A. Davidson,**

Reports Clearance Officer, Social Security Administration.

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## SOCIAL SECURITY ADMINISTRATION

### Registration Requirements for Representatives to Receive Direct Payment of Fees Approved for Services Provided Before the Social Security Administration or a Federal Court and Forms 1099-MISC

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice.

**SUMMARY:** We are issuing this notice to advise attorneys and non-attorneys who represent claimants before SSA, and attorneys who represent Social Security or Supplemental Security Income claimants before the Federal courts, that the requirements a representative must meet for SSA to pay the approved fee, or a part of the approved fee, directly to the representative from a claimant's past-due benefits will change effective January 1, 2007. Currently, SSA pays all or part of the fee we approve to the claimant's representative from his or her past-due benefits if the representative is an attorney or a non-attorney participant in SSA's direct fee payment demonstration project. SSA also pays all or part of the fee a Federal court approves directly to an attorney from a claimant's past-due benefits. SSA must expand the information a representative is required to submit to SSA in order for SSA to pay a fee directly because sections 6041(a) and 6045(f) of the Internal Revenue Code (IRC), as implemented by 26 CFR 1.6041-1, require SSA to issue a Form 1099-MISC to each representative who receives, by direct payment from SSA, aggregate fees of \$600 or more in a calendar year. To meet this requirement, a person whom a claimant appoints to represent him or her before SSA after December 31, 2006,

who is otherwise eligible for direct fee payment, and an attorney for whom a Federal court approves a fee on or after January 1, 2007, must provide SSA with his or her Social Security Number (SSN) as a prerequisite for SSA to pay a fee directly to the representative.

**FOR FURTHER INFORMATION CONTACT:**

Everett Jackson, Social Security Administration, Office of Budget, Finance and Management, 2-K-5 East Low Rise, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0014, e-mail [Everett.Jackson@ssa.gov](mailto:Everett.Jackson@ssa.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to sections 206 and 1631(d)(2) of the Social Security Act (Act), SSA:

- Determines the maximum fee an attorney or non-attorney representative may charge and collect for services the representative provided before SSA in a claim under title II or title XVI of the Act; and

- Pays the fee, or part of the fee, that was approved by the Commissioner of Social Security (Commissioner) or by a Federal court, under title II or title XVI, directly to an attorney out of a portion of the claimant's past-due benefits.

42 U.S.C. 406 and 42 U.S.C. 1383(d)(2). Additionally, section 303 of the Social Security Protection Act of 2004 (SSPA), Public Law 108-203, directs the Commissioner to carry out a 5-year nationwide demonstration project that extends the fee withholding and direct payment procedures that apply to attorneys under titles II and XVI of the Act to non-attorney representatives who meet certain prerequisites. This demonstration project commenced on February 28, 2005. Therefore, SSA is now paying directly to attorneys and non-attorney participants in the direct payment demonstration project fees we approve for administrative services, and to attorneys fees Federal courts approve for services before the courts.

The Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, mandates that each federal agency require persons "doing business with that agency" to provide the agency with his or her taxpayer identification number (TIN). 31 U.S.C. 7701. Under

the DCIA, a person is considered to be doing business with an agency if the person is assessed a fee by the agency. Because SSA is required by sections 206(d) and 1631(d)(2)(C) of the Act to assess a fee on attorneys and eligible non-attorneys each time that SSA directly pays representational fees to them, SSA is doing business with representatives whom we directly pay. The DCIA also requires that, when a federal agency disburses money, it must include the TIN on each certified voucher submitted to a disbursing official. For individuals, the TIN is generally the SSN. 26 U.S.C. 6109. This means that, when SSA certifies for direct payment or directly pays a fee to a representative, SSA must include the representative's SSN on the payment voucher it submits to the Department of the Treasury. Accordingly, to comply with the DCIA's requirement that we obtain an SSN from each representative to whom we directly pay a fee and provide that SSN on each payment voucher to the Department of the Treasury, when a claimant has appointed a representative on January 1, 2007 or later, or when a Federal court has approved a fee on January 1, 2007 or later, SSA requires that the representative provide his or her SSN to SSA before SSA implements a favorable administrative determination or decision or before SSA acts on a Federal court's fee approval, as a condition for SSA to directly pay a fee or a portion of the fee to the representative from a claimant's past-due benefits.

Pursuant to sections 6041(a) and 6045(f) of the IRC, as implemented by 26 CFR 1.6041-1, SSA is required to issue a Form 1099-MISC to each representative who receives, by direct payment from SSA, aggregate fees of \$600 or more in a calendar year. Per section 6109 of the IRC, each representative must provide SSA with his or her TIN. Generally, the Internal Revenue Service (IRS) Form W-9 is used to obtain the TIN. However, as allowed by the IRS, SSA is developing a substitute form, Form SSA-1699, Request for Appointed Representative's