

**Supporting Statement for Form SSA-454-BK,
Continuing Disability Review Report
20 CFR 404.1589, 20 CFR 416.989
OMB # 0960-0072**

A. Justification

1. *Sections 205(a) and 1631(e)(1)(A) of the Social Security Act (the Act)* provide the Commissioner of Social Security with full power and authority to make rules and regulations, establish procedures and adopt reasonable and proper procedures governing the nature and extent of the evidence (as well as the methods of taking and furnishing the same) to determine whether an individual continues to be disabled. *Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act*, as amended, provide that claimants furnish such medical and other evidence required by the Commissioner to prove that they continue to be disabled. *Sections 221(i), 1614(a)(3)(H)(ii)(I) and 1633 (c)(1) of the Act* require us to periodically review the cases of individuals who receive benefits under Title II and/or Title XVI of the Act, based on disability, to determine if disability continues. As provided in *20 CFR 404.1589 and 20 CFR 416.989 of the Code of Federal Regulations*, we may conduct a review to determine whether individuals receiving disability benefits continue to be entitled to or eligible for those benefits.
2. We use Form SSA-454-BK to collect information from individuals receiving disability benefits or their representatives. We evaluate the information to determine whether the individuals remain eligible for benefit payments. Adults are considered eligible for payment if they continue to be unable to do substantial gainful activity by reason of their impairments. Title XVI children are considered eligible for payment if they still have marked and severe functional limitations by reason of their impairments. We obtain information concerning sources of medical treatment, participation in vocational rehabilitation programs (if any), attempts to work (if any), and the opinions of individuals regarding whether their conditions have improved. The respondents are recipients of benefits based on disability under Title II and/or Title XVI of the Social Security Act.
3. The SSA-454-BK is not currently available in an electronic form. SSA is currently in the process of doing Planning and Analysis for an electronic SSA-454 in the Electronic Disability Collection System (EDCS). In FY 09, we plan to begin development and implementation of an electronic SSA-454 in EDCS. We anticipate that we will begin development for an Internet version of the SSA-454 in FY 2010. At this time we have no implementation date set for an Internet version of the form.

4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not have an impact on small businesses or other small entities.
6. If the data were collected less frequently, we would be unable to determine when beneficiaries should stop receiving disability payments (either because adults are able to work or Title XVI children no longer have marked and severe functional limitations). If we did not collect the information, it would not be possible to complete the eligibility review required by the Act. There are no technical or legal obstacles that prevent the burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on February 11, 2008 at 73 FR 7782, and SSA has received no public comments. The second Notice was published on April 21, 2008 at 73 FR 21400. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. The information requested is protected and held confidential 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. The information collection does not contain any questions of a sensitive nature.
12. The number of continuing disability reviews (CDRs) that are processed each year depends on the number of maturing diaries, reports of medical improvement, and SSA's budget. In fiscal year (FY) 06, 337,038 respondents used the form. In FY 07, 189,955 respondents used the form. The expected number of respondents for FY 08 is 398,000. For the purposes of this document, 398,000 will be used as the number of respondents who annually use this form. The estimated response time is 60 minutes, for an estimated total of 398,000 burden hours. The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$4,290,044. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. The projected annual responses and burden hours have decreased considerably due to budgetary constraints. SSA processed enough CDRs, involving Title II beneficiaries, to stay current with the Congressional mandate for performing CDRs. However, due to the FY 2009 President's budget and the FY 2010 Budget Request, both of which include special funding for processing CDRs, SSA anticipates an increase in the number of responses over the next three years. If funded, we will submit a change sheet for the increases in the number of Title II CDR Disability Reviews, provided they occur prior to the next clearance of this form.
16. The results of the information collection will not be published.
17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed 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). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, Government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.
18. 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

We will not use statistical methods for this information collection.