

**Justification for Non-Substantive Change for Form SSA-1383 and SSA-1383-FC,
Student Reporting Form
20 CFR 404.352 (b)(2), 404.367, 404.368, 404.415, 404.434, 422.135
OMB No. 0960-0088**

Revision to the Collection Instrument

Change to Form SSA-1383

Change 1: We are revising question 9 on the domestic SSA-1383 to reflect current policy and procedures.

- **Old Language:**

WARRANT ISSUED FOR STUDENT'S ARREST

An unsatisfied warrant was issued for your arrest because you were convicted of or charged with a crime that carries a penalty of death or confinement of over one year, or you have an unsatisfied warrant for a Federal or State probation or parole violation.

- **New Language:**

WARRANT ISSUED FOR STUDENT'S ARREST

An unsatisfied warrant was issued for your arrest for a crime or attempted crime of flight to avoid prosecution or confinement or escape from custody.

Justification 1: We are revising question 9 at the recommendation of SSA's Office of General Counsel (OGC), due to litigation (i.e., the *Martinez* and *Clark* court cases) against SSA involving asking these questions. We are revising the question so we do not ask Title II claimants to report whether they have an unsatisfied felony, probation, or parole violator warrant. The agency will continue to enforce the fugitive felon non-payment provisions of the Social Security Act via the fugitive felon suspension-matching program. These changes will relieve the agency of any further potential litigation related to asking these questions.

Change to Form SSA-1383-FC

Change 2: We are adding another question to the SSA-1383-FC. The new question 9 asks the student completing the form about the existence of any unsatisfied warrants for his or her arrest.

- **New Question**

Do you have an unsatisfied warrant for your arrest for a crime or attempted crime of flight to avoid prosecution or confinement or escape from custody?

Justification 2: We are making these changes to the form at the request of the OGC

Change 3: We are revising page 2 of the form includes updates to the How to Report, What to Report, and Failure to Report fields.

Justification 3: We are making revisions to mirror the domestic SSA-1383

We plan to destroy the stock of the old version so we can begin using the new version of the form immediately after receiving OMB approval.