

Supporting Statement for Form SSA-L106-F3 and SSA-L706-F3
Letter to Custodian of School Records
Letter to Custodian of Birth Records
20 CFR 404.704, 404.716, 416.802 and 422.107
OMB No. 0960-0693

A. Justification

1. Introduction/Authorizing Laws and Regulations

The Social Security Administration (SSA) collects this information by authority of sections 205(a) and 1631 of the *Social Security Act (Act)*, which gives the Commissioner of SSA the authority to make rules, regulations, and establish procedures providing for the collection and furnishing of necessary evidence. Under 20 CFR 404.716 and 20 CFR 416.802 of the *Code of Federal Regulations*, a claimant must submit a public or religious record of birth established before the age of five, if one is available. SSA may ask for other evidence of age if the claimant cannot obtain this evidence. 20 CFR 404.704 of the *Code of Federal Regulations* places the responsibility on the individual for obtaining and providing such evidence to prove eligibility to receive, or the right to continue receiving, Social Security benefits or Supplemental Security Income (SSI) payments. Social Security number (SSN) applicants must submit convincing documentary evidence of age, identity, and citizenship to SSA as stated at 20 CFR 422.107 of the *Code of Federal Regulations*. SSA recognizes that some individuals may need assistance in obtaining proof of their age.

2. Description of Collection

SSA prepares Form SSA-L106 and SSA-L706 for individuals who need help in obtaining evidence of their age in connection with SSN card applications and claims for benefits and SSI. SSA uses the SSA-L106 to determine the existence of primary evidence of age for SSN applicants. SSA also uses both letters to verify with the issuing entity, when necessary, the authenticity of the record submitted by the SSN applicant or claimant. The respondents are schools, States and local bureaus of vital statistics; and religious entities. The collection is voluntary, but the evidence is necessary to obtain an SSN, a benefit, or SSI payment. We collect this information one time from the respondents who are custodians of school and birth records (e.g., State and local agencies and schools). Form SSA-L106 and SSA-L706 are available in paper form only. An SSA employee completes the form on behalf of the claimant and sends the request for record information. Both the SSA-L106 and SSA-L706 are agency-initiated letters requiring the claimant's signature and usually payment, often in the form of a check. The respondents are schools, State and local bureaus of vital statistics, and religious entities.

3. Use of Information Technology to Collect the Information

Forms SSA-L106 and SSA-L706 are not available electronically due to the low number of respondents. SSA did not create an electronic version of the forms

under the agency's Government Paperwork Elimination Act (GPEA) plan because only 7,200 respondents complete the forms, which is below the GPEA cutoff of 50,000.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude 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 use Forms SSA-L106 and SSA-L706, SSA would not be able to verify the claimant's age or other claimant-submitted evidence, and therefore would be unable to provide requested services to the public. Because we only collect the 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

SSA published the 60-day advance Federal Register Notice on June 6, 2016 at 81 FR 36373, and we did not receive any public comments in response to this notice. We published the 30-day Federal Register Notice on August 15, 2016 at 81 FR 54175. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the maintenance of this form.

9. Payment or Gifts to Respondents

When payment is required, the requester pays the custodians of school and birth records (e.g., State and local agencies and schools) in accordance with their fee schedules. SSA pays on behalf of a claimant in situations meeting the requirements of our operating instructions. The circumstances under which SSA will pay on behalf of the claimant vary depending on the title under which we pay the claims. The circumstances are:

SSA Payment Criteria for Title II or XVIII:

To enable SSA to pay for evidence, the claimant must meet the following conditions:

- a. The claimant must have submitted one or more pieces of affirmative evidence supporting eligibility. It is not necessary that the file be free of discrepancy, only that all of the available evidence establishes a reasonable likelihood of eligibility.

Example: A surviving divorced wife who submits proof establishing a 10-year marriage to the number holder submitted affirmative evidence of eligibility even though SSA must obtain a divorce record as well.

- b. SSA needs additional evidence to assure a correct determination of eligibility; i.e., we must verify or corroborate the evidence in file to satisfy SSA's evidentiary and adjudicative requirements;
- c. The claimant is unable to submit additional verifying evidence; and,
- d. The purchase of the evidence is a more economical and reasonable way to obtain it (e.g., one may purchase the evidence by mail or obtain the evidence for free via a visit to the record source).

SSA Payment Criteria for Title XVI

SSA may purchase certified copies of documentary evidence for any eligibility requirement under Title XVI if both of the following conditions exist:

- We cannot expect the applicant cannot to obtain the evidence; and
- The applicant cannot obtain the evidence without payment of a fee, or if the purchase of the evidence is the most economical method of obtaining it.

SSA Payment Criteria for Concurrent Title II and XVI

The rules for purchasing evidence for Title XVI cases apply.

Lost Evidence

Sometimes a claimant or SSN applicant may allege that evidence provided to SSA was lost in the mail or lost in SSA's handling process. If there is an indication that SSA had the evidence, e.g., SSA took action based on the document received, then SSA would replace the document. In these instances, if we can only obtain duplicate evidence by paying a fee, SSA may pay for the evidence.

Enumeration

It is generally the responsibility of the SSN card applicant to submit the evidence required to establish eligibility for an SSN; however, SSA may purchase evidence for enumeration purposes in certain circumstances (e.g., SSA lost the evidence or the applicant reports not receiving the returned document in the mail).

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)
SSA-L106 (Private Sector)	1,800	1	10	300
SSA-L106 (State/Local/ Tribal Government)	1,800	1	10	300
SSA-L706 (Private Sector)	1,800	1	10	300
SSA-L706 (State/Local/ Tribal Government)	1,800	1	10	300
Total	7,200			1,200

The total burden for this information collection request is 1,200 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

Other than as outlined in #9 above, 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 \$22,176. This estimate is a projection of the costs for printing and distributing the collection instrument.

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

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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.