

**Supporting Statement for Regulations Governing  
Testimony by Employees and the Production of  
Records and Information in Legal Proceedings  
20 CFR 403.100-403.155  
OMB No. 0960-0619**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

A Social Security Administration (SSA) employee can testify concerning any function of the agency, or any information or record created or acquired by us because of the discharge of our official duties in a legal proceeding in which the agency is not a party with the prior authorization of the Commissioner. *5 USC 301 of the Plain Writing Act of 2010; 31 USC 9701 of the Independent Offices Appropriations Act of 1952; 42 USC 902 of the Social Security Act (Act); and 42 USC 1306 (Act) of the United States Code* document our authority to collect this information. These laws explain how individuals seeking testimony of an SSA employee must provide sufficient information about the testimony they are seeking for the Commissioner (or designee) to authorize. In addition, the regulations at *20 CFR 403.100-403.155 of the Code of Federal Regulations* establish SSA's policies and procedures applicable to requests for official agency information, records, or testimony in legal proceedings.

**2. Description of Collection**

Each year, we receive requests for testimony. Among other things, SSA regulations expressly prohibit any testimony except those approved by the Commissioner of Social Security. The regulations establish a procedure whereby an individual, organization, or government entity may request official agency information, records, or testimony in legal proceedings. An essential element of these regulations is the requirement that the requestor actually make the request for testimony to the Commissioner (or designee) in writing. The request must: (1) set out the nature and relevance of the testimony sought; (2) explain why the information is not available by other means; (3) explain why it is in our interest to provide the testimony; and (4) provide the date, time, and place for the testimony. The requestor must make the request in writing so the Commissioner (or designee) can properly and consistently evaluate the basis for the request, and the extent to which the testimony would further the objectives of the agency provides the testimony, as requested. Respondents are any individuals or entities who request testimony from our employees in connection with any legal proceeding.

**3. Use of Information Technology to Collect the Information**

SSA did not create an electronic version of this collection under the agency's Government Paperwork Elimination Act (GPEA) plan because only 100 respondents submit the written request annually. This is less than the GPEA cut-off 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 precludes 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 collect this information, SSA would be unable to render an informed decision regarding requests made to the agency for information or testimony by an employee. Because we collect this 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**  
The 60-day advance Federal Register Notice published on June 8, 2018, at 83 FR 26732, and we received no public comments. The 30-day FRN published on October 3, 2018 at 83 FR 49965. If we receive any comments in response to this Notice, we will forward them to OMB.
9. **Payment or Gifts to Respondents**  
SSA does not provide payments or gifts to the respondents.
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**

Collection Instrument	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
20 CFR 403.100-403.155	100	1	60	100

The total burden for this ICR is **100** hours. We based these figures on current management information data. We did not calculate a separate cost burden.

**13. Annual Cost to the Respondents (Other)**

This collection does not impose a known cost burden to the respondents.

**14. Annual Cost To Federal Government**

The annual cost to the Federal government is approximately \$33,799. This estimate accounts for costs from the following area: SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

**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**

SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

**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. Collection of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.