

**Supporting Statement for the SSA-3368  
Disability Report-Adult  
20 CFR 404.1512 and 416.912  
OMB No. 0960-0579**

**A. Justification**

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

Adult applicants for Social Security Administration (SSA) disability benefits must provide medical, job history, and any other evidence required by SSA's Commissioner to prove that his or her impairment(s) is disabling. Since SSA needs a vehicle to collect this evidence, we use the paper Form SSA-3368 and its electronic versions, Electronic Disability Collect System (EDCS) 3368 and the Internet i3368, for this purpose. Sections 223(d)(5)(A) and 1631(e)(1) of the *Social Security Act (Act)* provide that an individual must furnish medical and other evidence to prove he or she is disabled. Implementing the regulations in sections 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* state an individual must inform us about or submit all evidence known or relates to whether or not he or she is blind or disabled, and if asked, inform us about medical sources, age, education and training, work experience, daily activities efforts to work, and any other factors showing how impairment(s) affects his or her ability to work. Sections 205(a) and 1631(d)(1) of the *Act* give the Commissioner the authority to establish regulations and procedures governing the type of evidence needed to evaluate an alleged disability and methods of collecting this evidence.

We are including the Information Collection Requests (ICR) for 0960-0072 (SSA-454; i454); 0960-0144 (SSA-3441; i3441); 0960-0579 (SSA-3368; i3368); 0960-0632 (SSA-3380-BK); and 0960-0681 (SSA-3373-BK), under one new OMB Control Number, 0960-0XXX for the purposes of obtaining OMB approval for the revisions we are making to these forms as part of the Rulemaking process for the Removing the Education Category - Inability to Communicate in English - from the Disability Determination Process, RIN 0960-AH86. For technical purposes, we need to keep the regulatory-related changes to these forms on a separate track through the publication of the Final Rule stage, as we need to continue to use these forms, and renew their current OMB approvals, while simultaneously obtaining approval for the changes due to the revised rules under RIN 0960-AH86. To ensure we maintain OMB's approval for the current versions of the forms, we will maintain this separate OMB number for duration of the NPRM and Final Rule changes to RIN 0960-AH86. Once we publish the Final Rule, we will update these forms under their separate OMB Control Numbers and discontinue the new OMB approval, 0960-0XXX, as we will no longer require it.

We are making these changes to our Regulations because the education category "inability to communicate in English" is no longer a reliable indicator of an

individual's educational attainment or the vocational impact of an individual's education. We published the Notice of Proposed Rulemaking, RIN 0960-AH86, on February 1, 2019, at 84 FR 1006.

**2. Description of Collection**

State Disability Determination Services (DDS) use Form SSA-3368 and its electronic versions to determine if an adult disability applicant's impairment(s) is severe and, if so, how the impairment(s) affects the applicant's ability to work. This determination dictates whether or not the DDS and SSA will find the applicant disabled and entitled to SSI payments. The respondents are applicants for Title II disability benefits or Title XVI SSI payments.

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

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet version of Form SSA-3368. Based on our data, we estimate approximately 97 percent of respondents under this OMB number use the electronic versions. SSA designed the electronic modalities to collect the same information as the paper form, however it is formatted differently to include certain enhancements (e.g., instructions and help screens) to guide the interviewer or applicant through the application process.

- **Electronic Disability Collect System (EDCS) SSA-3368:**

Applicants may call or go into the SSA Field Office to provide the information the collection requires. In these cases, a claims representative interviews the applicant and enters his or her answers directly into the EDCS SSA-3368. Approximately 86 percent of respondents use this option.

- **Internet 3368 (i3368):**

The i3368 is a fully electronic version of the paper form. Adult disability applicants or their representatives may access, complete, and submit the SSA-3368 electronically through this internet-based application. SSA designed the i3368 to walk first-time users through this information collection. It contains numerous help screens and explanations about why we ask certain questions on the form. Approximately 11 percent of respondents use this option.

We also provide applicants with "fillable" and printable PDF version of the form on SSA's website.

**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 significantly affect small businesses or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently**  
If we did not use Form SSA-3368, the public have no way to apply for disability benefits. We would deprive individuals of the right to present evidence pertaining to their claim. Because we 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 a notice of proposed rulemaking (NPRM) in the Federal Register on February 1, 2019, at 84 FR 1006. If we receive any comments in response to the NPRM, we will forward them to OMB. When we publish the Final Rule, we will re-submit this ICR for formal approval of the information collection requirements described within.
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**

| <b>Modality of Completion</b>                  | <b>Number of Respondents</b> | <b>Frequency of Response</b> | <b>Average Burden Per Response (minutes)</b> | <b>Estimated Annual Burden (hours)</b> |
|--|------------------------------|------------------------------|--|--|
| SSA-3368 (Paper form)                          | 7,571                        | 1                            | 90   | 11,357                                 |
| Electronic Disability Collection System (EDCS) | 2,484,231                    | 1                            | 90   | 3,726,347                              |
| i3368 (Internet)                               | 1,060,360                    | 1                            | 90   | 1,590,540                              |

|               |                  |  |  |                  |
|---------------|------------------|--|--|------------------|
| <b>Totals</b> | <b>3,552,162</b> |  |  | <b>5,328,244</b> |
|---------------|------------------|--|--|------------------|

The total burden for this information collection request is 5,328,244 hours. We based these figure on current management data. This figure represents burden hours, and we did not calculate a separate cost burden.

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

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 \$35,958,328. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time; and (3) systems development, updating, and maintenance costs.

**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**

For our paper Form SSA-3368, 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.

For our Internet i3368, 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. Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.