

Supporting Statement for Form SSA-3373-BK
Function Report – Adult
20 CFR 404.1512 and 20 CFR 416.912
OMB No. 0960-0681

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d)(5)(A), 1631(d)(1), and 1631(e)(1) of the *Social Security Act (Act)* require individuals receiving or applying for Social Security disability insurance (SSDI) or Supplemental Security Income (SSI) to provide medical and other evidence of their disability. These sections of the *Act* grant the Social Security Administration (SSA) the authority to establish procedures for collecting and verifying this evidence. 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* provide detailed requirements of the types of evidence Social Security disability claimants and beneficiaries must provide showing how their impairment(s) affects their ability to work (e.g., evidence of age; education and training; work experience; daily activities; efforts to work; and any other evidence). SSA uses Form SSA-3373-BK, the Function Report-Adult, to collect the information for adult disability cases.

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**
SSA staff, and, on our behalf, State Disability Determination Services' (DDS) employees, collect the information via paper Form SSA-3373-BK, or through an in-person or telephone interview for cases where we need information about a claimant's activities and abilities to evaluate the claimant's disability. We use the information to document how claimants' disabilities affect their ability to function, and to determine eligibility, or continued eligibility, for SSI and SSDI claims. The respondents are Title II and Title XVI applicants (or current recipients undergoing redeterminations) for disability payments.
- 3. Use of Information Technology to Collect the Information**
This form is available as a fillable PDF on SSA's website, which the respondent completes, prints, and mails to the DDS or brings to an SSA field office. SSA has not yet created an electronic version of Form SSA-3373 under the agency's Government Paperwork Elimination Act (GPEA) plan due to competing priorities. DDS offices, operating on several variations of five different legacy computer systems, each programmed to support state-designed business processes, conduct 99 percent of these collections. Before SSA can deploy an electronic version of the SSA-3373, the agency must upgrade and standardize the DDS case processing systems. We are currently working on a way to update the DDS case processing systems.
- 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 SSA did not collect this information, we would be unable to determine a claimant's disability, or the extent of continuing disability; and we would be unable to fulfill our mandate to make payments to those who are disabled. Since respondents complete the form only once for an initial application, or on an occasional basis if selected for a continuing disability review or for an appeal of our decision, we cannot collect the information 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 provides no payment or gifts to the respondents, except for the actual disability payments (if one qualifies for them).

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)	Total Estimated Annual Burden (hours)
SSA-3373-BK	1,734,635	1	61	1,763,546

The total burden for this ICR is **1,763,546 hours**. We based this figure on current management information data. We did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not cause a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$3,403,000. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; and (2) 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

The decrease in burden hours from 2,120,483 to 1,763,546 hours stems from a decrease in initial claims of about 300,000 respondents over the last three years. We have not changed the time estimate for this collection, nor have we significantly changed the form; so the average burden per response remains the same. Our current management information data shows a significant decrease in the number of initial claims, as well as a fluctuation and decrease in current continuing disability redeterminations and reconsideration claims which amounts to this reduction in the burden hours. The reduction in burden also explains the

reduction in the cost to the Federal government, as we are printing and processing fewer forms now than we did three years ago.

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.