

**Supporting Statement for Form SSA-454-BK  
Continuing Disability Review Report  
20 CFR 404.1589 & 416.989  
OMB No. 0960-0072**

**A. Justification**

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

Sections 205(a) and 1631(e)(1)(A) of the *Social Security Act (Act)* provide the Commissioner of the Social Security Administration (SSA) with full power and authority to make rules and regulations, establish procedures, and adopt reasonable and proper procedures governing the nature and extent of the evidence (as well as the methods of taking and furnishing the same) to determine whether an individual continues to be disabled. Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the *Act*, as amended, provide that claimants furnish such medical and other evidence required by the Commissioner to prove they continue to be disabled. Sections 221(i), 1614(a)(3)(H)(ii)(I) and 1633 (c)(1) of the *Act* require us to periodically review the cases of individuals who receive benefits under Title II or Title XVI of the *Act*, based on disability, to determine if disability continues. As provided in 20 CFR 404.1589 and 20 CFR 416.989 of the *Code of Federal Regulations*, we may conduct a review to determine whether benefit entitlement or eligibility continues for individuals receiving disability benefits.

We are submitting this ICR to support a recently published Notice of Proposed Rulemaking, Rules Regarding the Frequency and Notice of Continuing Disability Reviews (RIN 0960-AI27; see #8 for publication information). We are not revising the ICR's content in any way due to the Proposed Rule; however, we are changing the frequency of use of the collection, and as such the public reporting burden will change (see #12 below).

**2. Description of Collection**

SSA uses Form SSA-454-BK (Continuing Disability Review Report) to complete a mandatory review for the continue disability review (CDR). SSA considers adults eligible for payment if they continue to be unable to do substantial gainful activity because of their impairments, and we consider Title XVI children eligible for payment if they have marked and severe functional limitations because of their impairments. SSA also uses Form SSA-454-BK to obtain information on sources of medical treatment; participation in vocational rehabilitation programs (if any); attempts to work (if any); and if individuals believe their conditions are improved. When a disabled individual requires a CDR, a claims representative (CR) will mail the individual Form SSA-454-BK. The respondent completes the form and sends it back to SSA, or the CR will interview the respondent and enter the information into the Electronic Disability Collection System (EDCS). EDCS electronically stores the information of the paper version of the Form SSA-454-BK. The respondents are Title II or Title XVI disability recipients or their representatives.

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

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Intranet version of form SSA-454-BK, allowing claimants to provide their information to SSA employees verbally, who then enter it into the Intranet system. Based on SSA tracking data, we estimate approximately 50% of respondents under this OMB number utilize this option.

**4. Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner 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 Form SSA-454-BK, we would be unable to make a timely determination regarding if and when recipients should stop receiving disability payments (either because adults are able to work or Title XVI children no longer have marked and severe functional limitations). 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 November 18, 2019 at 84 FR 63588. Although we received public comments on the NPRM we DID/DID NOT (will select one as appropriate later) receive comments on the response burden. SSA published the Final Rule in the Federal Register on \_\_\_\_\_, at 85 FR \_\_\_\_\_. If we receive any comments in response to the Final Rule, 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**

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>	<b>Average Theoretical Hourly Cost Amount (dollars)*</b>	<b>Total Annual Opportunity Cost (dollars)**</b>
SSA-454-BK (Paper version)	406,500	1	60	406,500	\$10.22*	\$4,154,430**
EDCS	406,500	1	60	406,500	\$10.22*	\$4,154,430**
<b>Totals</b>	<b>813,000</b>			<b>813,000</b>		<b>\$8,308,860**</b>

\* We based this figure on average DI payments.

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **813,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$8,308,860**.

**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 current annual cost to the Federal Government for conducting this information collection is approximately \$14,465,629.00. If the current NPRM is implemented in final, the annual cost to the Federal government is expected to be approximately \$200 million per year. 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**

The proposed rules to revise the regulations regarding when and how often we conduct CDR are projected to, if finalized, cause an increase to our public reporting burden from 703,000 to 813,000 hours. This change stems from the increased number of CDRs to be conducted per annum, resulting in an increased number of responses from 703,000 to 813,000. There is no change to the burden time per response. In addition, we are not revising the content of the SSA-454 in any way to

support these proposed rules. However, because the core policy of the proposed rule will cause a change in the frequency of use of these forms, increasing their public reporting burden for the first 10 years after implementation of the rule, we are seeking OMB re-approval under the Paperwork Reduction Act.

**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.