

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 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, 0960-0813, 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. The Final Rule published on February 25, 2020 at 85 FR 10586. Upon OMB's approval of this ICR, we will update these forms under their separate OMB Control Numbers and will discontinue the new OMB approval, 0960-0813, as we will no longer require it.

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 to update information if individuals believe their conditions improved. When a disabled individual requires a CDR, either a claims representative (CR) mails Form SSA-454-BK; the respondent completes the form and sends it back to SSA; or the CR interviews the respondent and enters 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, EDCS, version of Form SSA-454-BK. Based on our data, we estimate approximately 50% of respondents under this OMB number use the electronic version as part of a personal interview with a CR.

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 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 February 1, 2019 at 84 FR 1006. We forwarded any comments in response to the NPRM to OMB. SSA published the Final Rule in the Federal Register on February 25, 2020 at 85 FR 10586. 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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-454- BK (Paper version)	270,500	1	60	270,500	\$10.22*	\$2,764,510**
EDCS	270,500	1	60	270,500	\$10.22*	\$2,764,510**
Totals	541,000			541,000		\$5,529,020**

* We based this figure on average DI payments, as reported in SSA’s disability insurance payment data.

** 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 **541,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$5,529,020**. SSA does not charge respondents to complete our applications.

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 \$11,561,710. 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 the paper form SSA-454-BK, we will not publish 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.

For the **Intranet, EDCS, version** of Form SSA-454-BK, 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 in *5 CFR 1320.9* and related provisions in *5 CFR 1320.8(b)(3)*.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.