

**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, 0960-0813 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

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. 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-3368 (Paper form)	6,045	1	90	9,068	\$10.22*	\$92,675**
Electronic Disability Collection System (EDCS)	1,263,104	1	90	1,894,656	\$10.22*	\$19,363,384**
i3368 (Internet)	989,361	1	90	1,484,042	\$10.22*	\$15,166,909**
Totals	2,258,510			3,387,766		\$34,622,968**

* 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 **3,387,766** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$34,622,968**. 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 \$72,249,272. 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

When we last cleared this IC in 2018, the burden was 5,328,244 hours. However, we are currently reporting a burden of 3,387,766 hours. This change stems from a decrease in the number of responses from 3,552,162 to 2,258,510. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change.

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.