

Addendum to the Supporting Statement for Form SSA-3380-BK
Function Report – Adult Third Party
20 CFR 404.1512, 404.1564, 416.912, and 416.964
OMB No. 0960-0635

Background

This is a request for modification of the Form SSA-3380-BK, Function Report – Adult Third Party, related to new regulation, Removing the Education Category - Inability to Communicate in English - from the Disability Determination Process, RIN 0960-AH86. This new regulation is eliminating one of the five existing education categories, namely the “inability to communicate in English” (20 CFR 404.1564 and 416.964). The new regulation does not affect the other educational categories. We amended the Medical Vocational Guidelines in 20 CFR Part 404, Subpart P Appendix 2, as appropriate, under the new regulations.

The effect of this regulation is to remove the consideration of English proficiency when determining a claimant’s education category. We will consider the claimant’s actual education attained without regard to the claimant’s proficiency in the use of English and assign the claimant to one of the four remaining education categories, as appropriate: illiteracy; marginal education; limited education; and high school education and above.

Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Act require SSA to consider a claimant’s education when determining an adult’s claim of disability. Sections 205(a) and 1631(d)(1) of the Act authorize SSA to establish procedures for collecting and verifying relevant evidence. We collect such evidence using Form SSA-454-BK, Continuing Disability Review Report. The information we collect assesses a claimant’s level of education, and assigns the claimant to a specific education category.

Revisions to the Collection Instrument

- **Change #1:** We are adding the Regulation citations for 20 CFR 404.1564 and 416.964 of the *Code of Federal Regulations* to this information collection.

Justification #1: We inadvertently did not include this citation previously, and are correcting for that now.

SSA is making the following revisions to Form SSA-3380-BK due to the new regulation, RIN 0960-AH86:

- **Change #1:** We are changing Question 22a, Social Activities, to read, “How does the disabled person spend time with others? (check all that apply)”, with the below options:
 - In person
 - On the phone
 - Email

- o Texting
- o Mail
- o Video chat (for example, Skype or Facetime)
- o Other:

Justification #1: We are making this change to conform to the regulation, Removing Inability to Communicate in English as an Education category, to reflect more modern means of communication, and whether the person is illiterate.

- **Change #2:** We relabeled question, “Describe the kinds of things he/she does with others” as 22b.

Justification #2: We made this change to further determine the ability to communicate to conform to the new regulation that eliminates the “inability to communicate in English” education category.

- **Change #3:** We re-lettered previous questions 20b-20d to 20-c-20e

Justification #3: We made this change to correct the lettering of the questions.

- **Change #4:** We are revising the Privacy Act Statement on this form.

Justification #4: SSA’s Office of the General Counsel is conducting a systematic review of SSA’s Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the form.

- **Change #5:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #5: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated

SSA will implement these Changes immediately upon OMB’s approval of this ICR, 0960-0813, within 60 days of the publication of the Final Rule, Removing Inability To Communicate in English as an Education Category (RIN 0960-AH86), which published February 25, 2020 at 85 FR 10586.

These revisions do not affect the public reporting burden.