

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.

Supporting Statement for Form SSA-3441
Disability Report-Appeal
20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513,
404.1740(b)(4), 416.1540(b)(4), and 20 CFR 405, Subpart C
OMB No. 0960-0144

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d), and 1631(e) of the *Social Security Act (Act)*, as well as 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations (Code)* require individuals filing for Social Security or Supplemental Security Income (SSI) benefits based on disability to provide evidence showing how their impairment(s) affect their ability to work or function. 20 CFR 404.916(c) and 416.1416(c) state that SSA will include any new evidence applicants submit in connection with their request for reconsideration in this review. Section 205(b) of the *Act*, as well as 20 CFR 405, Subpart C, and 20 CFR 422.140 of the *Code*, requires the Social Security Administration (SSA) to provide a reconsideration of an initial denial at the State Disability Determination Services (DDS) level, and an evidentiary hearing at the reconsideration appeal level, for individuals who appeal an unfavorable disability determination. SSA denies the claim when we find the physical or mental impairment for which such benefits are payable to have ceased; not to have existed; or not to be disabling. 20 CFR 404.1713 and 416.1513, which include mandatory use of electronic services, as well as 20 CFR 404.1740(b)(4) and 416.1540(b)(4) require a representative requesting direct fee payment to conduct business with us electronically at the times and in the manner we prescribe.

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 requires disability applicants who wish to appeal an unfavorable disability determination to complete Form SSA-3441. This form allows claimants to disclose any changes to their disability or resources that might influence SSA's unfavorable determination. SSA may use the information to: (1) reconsider and review an initial disability determination; (2) review a continuing disability; and (3) evaluate a request for a hearing. The information SSA requests on the SSA-3441 facilitates collecting medical and nonmedical information to support the applicant's request for reconsideration; request for benefits cessation appeal; and request for a hearing before an administrative law judge (ALJ). The information we collect also assists the State DDSs and administrative law judges (ALJs) in: (1) preparing for the appeals and hearings; and (2) issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits. We collect the information via the SSA-3441-BK (paper form); Electronic Disability Collect System (EDCS); and i3441 Internet screens. The respondents complete the SSA-3441 by themselves either on paper or online. If the respondent completes the paper form, they mail it ahead of time or bring it into the field office (FO) when they have an appointment for an interview, and a claims representative keys the information into EDCS. If the respondent completes the i3441, the Field Office uses the information to file the claim. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability income and Supplemental Security Income (SSI) payments; who are requesting a hearing before an ALJ; 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 two electronic versions of form SSA-3441. SSA designed the electronic methods to collect the same information as the paper form, but they may be formatted differently and may include certain enhancements (e.g., instructions for claims representatives, help screens, dynamic pathing, etc.) to guide the interviewer or applicant through the appeal process. Based on our data, we estimate approximately 97% of the total responses are either collected through EDCS screens, or via the Internet version of the form (i3441).

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-3441, the public would have no way to apply for reconsideration, benefits cessation appeal, or for a hearing before an ALJ. This would violate Sections 221(c) and (d) of the *Act*. Because we collect the

information once, 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-3441-BK (Paper Form)	22,316	1	50	18,597	\$10.22*	\$190,061**
Electronic Disability Collect System (EDCS)	337,702	1	50	281,418	\$10.22*	\$2,876,092**
i3441 (Internet Form)	400,602	1	33	220,331	\$10.22*	\$2,251,783**
Totals	760,620			520,346		\$5,317,936**

* 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 **520,346** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$5,317,936**. 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 to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$8,129,306. 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 2017, the burden was 847,946 hours. However, we are currently reporting a burden of 520,346 hours. This change stems from a decrease in the number of responses from 1,526,105 to 760,620, as well as an increase in the completion times from 45 to 50 minutes, and 28 to 33 minutes. 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 the paper Form SSA-3441-BK, SSA 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 the OMB approval date. Since SSA does not periodically (e.g., on an annual basis), revise and reprint its public-use forms, OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, thereby avoiding Government waste.

For the electronic versions of the form (EDCS-3441 and i3441), 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.

**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.

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

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* (the *Act*) require claimants for Social Security disability benefits to provide medical and other evidence of their disability, with evidence requirements to be established by the Commissioner of Social Security. These sections of the *Act* also 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* require claimants to provide the following information: evidence of age; education and training; work experience; daily activities; efforts to work; and any other evidence demonstrating how their impairment affects their ability to work.

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

Individuals receiving or applying for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) provide SSA with medical evidence and other proof SSA requires to prove their disability. SSA, and Disability Determination Services (DDS) on our behalf, collect this information using Form SSA-3380-BK. We use the information to document how claimant's disabilities affect their ability to function, and to determine eligibility for SSI and SSDI claims. The respondents are third parties familiar with the functional limitations (or lack thereof) of claimants who apply for SSI and SSDI benefits. Respondents

include family members, neighbors, friends, etc., and past employers.

3. Use of Information Technology to Collect the Information

Form SSA-3380 is available as a fillable PDF on SSA's website, which the respondent completes, prints, and mails to SSA. The DDS also mails the form to the respondent to complete and mail back. SSA has not, yet, created an electronic version of Form SSA-3380 under the agency's Government Paperwork Elimination Act (GPEA) plan due to competing priorities. We will revisit making this form available electronically in the future, when our budget allows for it.

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 collect this information, it would be impossible to determine whether claimants are disabled, or beneficiaries are still disabled, and SSA would not be able to discharge its mandate to pay benefits to those who are disabled. Since the form is completed only once for an initial application, and on an occasional basis if a beneficiary is selected for a continuing disability review or appeals our decision, the information cannot be collected 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

This 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-3380-BK	709,700	1	61	721,528	\$22.50*	\$16,234,380**

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics 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 **721,528** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$16,234,380**. 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 \$1,508,783. 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

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

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 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.

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, 0960-0813, 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 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. 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 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)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-3373-BK	1,734,635	1	61	1,763,546	\$10.22*	\$18,023,440**

* 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 **1,763,546** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$18,023,440**. SSA does not charge respondents to complete our applications.

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

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

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.