

**Supporting Statement for
Continuing Education Collection under the
Non-Attorney Representative Demonstration Project**

OMB No. 0960-NEW

A. Justification

1. **Authorizing Laws and Regulations to Collect the Information** – *Section 303 of the Social Security Protection Act of 2004 (SSPA, Public Law 108-203)*, enacted March 2, 2004, provides for a five-year demonstration project, to be conducted by the Social Security Administration (SSA), under which the direct payment of SSA-approved fees (from a claimant’s past-due Social Security benefits) is extended to certain non-attorney claimant representatives. Prior to enactment of the SSPA, the direct payment of SSA-approved fees was extended only to attorney representatives. Under the SSPA, to be eligible for direct payment of fees, a non-attorney representative must:

1. Have been awarded a bachelors degree from an accredited institution of higher education, or have equivalent qualifications derived from training and work experience if the individual does not have a bachelors degree;
2. Pass an examination that tests knowledge of the relevant provisions of the Social Security Act and court decisions affecting the benefit programs under titles II and XVI of the Social Security Act;
3. Secure professional liability insurance or equivalent insurance to protect claimants in the event of malpractice by the non-attorney representative; and
4. Pass a criminal background check.

To maintain eligibility, an applicant must continue to meet requirement #3 and #4, but must also meet the following fifth requirement:

5. Demonstrate completion of continuing education courses, including courses in ethics and professional conduct, to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits under titles II and XVI of the Social Security Act.

Section 303 requires SSA to collect the information needed to determine if applicants have satisfied these prerequisites.

2. **How, by Whom and for What Purpose Information is to be Used** – The information collected pursuant to the provisions of section 303 of the SSPA will be used to determine whether a non-attorney representative has fulfilled the continuing education requirement listed in item-1 above.

SSA awarded a contract, with 4 Option years, to CPS Human Resource Services on January 31, 2005 to assist SSA with administration or the prerequisites process. SSA exercised its first option on January 31, 2006. The contractor developed the Social Security Administration Non-Attorney Representative Demonstration Project Continuing Education Submission Form and Continuing Education – Course Information website, which will be used for this requested information collection. Participants in the demonstration project will be required to submit their continuing education hours on-line, using the Continuing Education – Course Information website, or by requesting a copy of the Continuing Education Submission Form from CPS, completing it and sending it by return mail, to CPS. CPS will evaluate the information collected and determine the applicant's continued eligibility to receive direct payment of fees for his or her representation services.

3. **Use of Information Technology to Collect the Information** – CPS developed a fillable form that will allow participants to submit their continuing education hours on-line that will be available at the private contractor's Internet website. The participants will have the option of printing the Continuing Education Submission Form from the CPS website or requesting a paper copy from CPS, completing it, and returning it to CPS via postal mail.
4. **Why Duplicate Information Cannot Be Used** – The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. **How Burden on Small Businesses is Minimized** – The information is collected from non-attorney individuals pursuing direct payment of fees for their claimant representation services. This collection does not have an impact on a substantial number of small businesses or other small entities. The burden has been minimized by limiting the supporting documentation applicants are required to submit.
6. **Consequence of Not Collecting Information or Collecting Less Frequently** – The information is required in order for SSA, to determine a non-attorney representative's continued eligibility for direct payment of fees. Requirements of

the law cited in Item 1 would not be met if the information were not collected. Therefore, this information collection cannot be conducted less frequently. There are no technical or legal obstacles that prevent burden reduction.

7. **Special Circumstances that Need to be Explained** – In order to continue to meet demonstration project prerequisites, participants in their first year of eligibility will be required to submit their completed continuing education information no later than 12 months after the date of their eligibility determination. During the remaining 4 years of the demonstration project, participants will be required to submit their completed continuing education information no later than 2 years after the date of their eligibility. There are no other special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** – The 60-day advance Federal Register Notice was published on June 13, 2006, 71 FR 34180, and SSA has received no public comments. The second Notice was published on September 11, 2006, 71 FR 53485. There have been no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** – SSA provides no payments or gifts to the respondents for providing this information.
10. **Assurances of Confidentiality** – The information collected is protected and held confidential 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** – We estimate that this information will be collected from no more than 300 respondents for the first year of the demonstration project. The estimated average response time is 30 minutes, for a total of 150 burden hours the first year of the demonstration project.

The total burden is reflected as burden hours, and no separate cost burden has been calculated.
13. **Annual Costs to the Respondents** – There is no known cost burden to the respondents.

14. **Annual Cost to the Federal Government** – The direct costs of collecting this information is carried by the private contractor that has been selected to administer the demonstration project’s eligibility process. SSA will be responsible for financing the costs of the contract paid the contractor over \$268,000 in 2005 and has budgeted \$252,000 for the 2006 contract year. At this time, we cannot provide a precise estimate of the contract cost for the remaining 3 years of the demonstration project.
15. **Program Changes or Adjustments to the Information Collection Budget** – This is a new information collection that will increase the public reporting burden for those non-attorney individuals who chose to participate in the demonstration project under section 303 of the SSPA.
16. **Plans for Publication of Results of Information Collection** – The results of the information collected will not be published.
17. **Request not to Display OMB Expiration Date** – SSA is not requesting an exception to display the OMB expiration date.
18. **Exception 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

Statistical methods are not used for this information collection.