

**Supporting Statement for  
Non-Attorney Representative Demonstration Project Application**

**20 CFR 404.1745-404.1799 and 20 CFR 416.1545-416.1599**

**OMB No. 0960-0699**

**A. Justification**

1. **Authorizing Laws and Regulations to Collect the Information** – *Sections 205 and 303 of the Social Security Protection Act of 2004 (SSPA, Public Law 108-203)*, enacted March 2, 2004, 20 C.F.R. 404.1745-404.1799 and 20 C.F.R. 416.1545-416.1599. Section 303 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:

- 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;
- 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;
- Secure professional liability insurance or equivalent insurance to protect claimants in the event of malpractice by the non-attorney representative;
- Pass a criminal background check; and
- 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 based on disability 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.

Section 303 of the SSPA stipulates that actions to fully implement the demonstration project should be completed by the first anniversary of enactment.

Section 205 required the amendment of existing regulations and allows SSA to recognize, disqualify or reinstate individuals who had been disqualified to act as claimant representatives in proceedings before SSA. The additional information that is being collected as a result of these regulations will permit SSA to verify that applicants qualify to be recognized as representatives and are therefore eligible for participation in the demonstration project.

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

SSA awarded a contract to CPS Human Resource Services to assist with administration of the Demonstration Project on January 31, 2004. The contract may be renewed for four additional option years. CPS developed the Non-Attorney Representative Demonstration Project Application, OMB. 0960-0699, this is being used to collect the requested applicant information. Applicants for the demonstration project are required to submit the application form directly to the contractor. The regulations published to implement SSPA section 205 requires the collection of additional information that the private contractor must evaluate, conduct needed verification investigations and a criminal background check, and issue a recommendation to SSA regarding the applicant's eligibility to be recognized as a representative and receive direct payment of fees for his or her representation services.

3. **Use of Information Technology to Collect the Information** – The Statement of Work for the contract covering this project calls for the contractor to collect the information through the development and use of a fillable paper and electronic form. The paper form will be available to applicants who do not want to submit their applications on-line. The electronic form will be available at the contractor's Internet website. The non-attorney applicants will have the option of submitting the completed application form online, printing the application form, once it is filled out online, and sending it to the private contractor via postal mail or requesting a paper copy of the application, completing it and returning it via postal mail to the contractor.
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 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 limit the time required to determine eligibility, applicants will be required to submit their completed applications within 6 weeks. 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 November 1, 2006, at 71 FR 64327, and SSA received no public comments. The second Notice was published January 4, 2007, at 72 FR 357 and to date we have received no public comments. 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 – Following in the chart below are the estimated burden projects associated with this collection:**

<b>Collection Activity</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden per Response</b>	<b>Estimated Annual Burden</b>
<b>Application Reporting</b>	500	1	60 minutes <sup>1</sup>	500 hrs.
<b>CE Reporting</b>	300	1	30	150 Hrs.
<b>Annual Reaffirmations Worksheet</b>	450	1	10	75 Hrs.
<b>TOTALS</b>	<b>1,250</b>			<b>725 Hrs.</b>

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 administers the demonstration project’s eligibility process. SSA is responsible for financing the costs of the contract for this project, and has budgeted at \$500,000 for FY 2007 for this purpose. At this time, we cannot provide a precise estimate of the cost that the contractor will charge for collecting the information.
15. **Program Changes or Adjustments to the Information Collection Budget** – This is a revised information collection that will <sup>2</sup>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.

<sup>1</sup> The application states 30 – 60 minutes. We used 60 minutes to derive the estimated annual burden

<sup>2</sup> See the addendum to the supporting statement for a complete explanation of the collection revisions and burden estimate.

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.