

SUPPORTING STATEMENT FOR PUBLIC REPORTING BURDENS POSED BY
REGULATION RIN 0960-AG35/SSA-3246F

TEMPORARY EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI; 5-YEAR DEMONSTRATION PROJECT EXTENDING FEE WITHHOLDING AND PAYMENT PROCEDURES TO ELIGIBLE NON-ATTORNEY REPRESENTATIVES; DEFINITION OF PAST-DUE BENEFITS; AND ASSESSMENT FOR FEE PAYMENT SERVICES

20 CFR 404.1717, 404.1730(c)(1), 404.1730(c)(2)(i), 404.1730(c)(2)(ii), 416.1517, 416.1528(a),
416.1530(c)(1), 416.1530(c)(2)(i), 416.1530(c)(2)(i)

OMB No. 0960-NEW

A. Justification

1. *Section 302* of the Social Security Protection Act of 2004 (SSPA), P.L. 108-203, amended section *1631(d)(2)* of the *Social Security Act* to temporarily extend the title II attorney fee withholding and direct payment process to title XVI. *Section 303* of the SSPA directed the Social Security Administration (SSA) to develop and conduct a five-year nationwide demonstration project to allow qualifying non-attorneys the option of fee withholding and direct payment of fees under both titles II and XVI.

These newly published rules include changes and additions to sections in the *Code of Federal Regulations* impacted by the above provisions of the SSPA. This Information Collection Request (ICR) is for the sections in this regulation which contain public reporting burdens.

2. The following regulation sections describe the public reporting requirements posed by the above provisions of the SSPA. The information collected as a result of these requirements will be used by SSA to allow payment to non-attorney representatives and to implement the Non-Attorney Demonstration Project. Below is a description of the contents of each relevant regulation section.

404.1717 – Statement that non-attorneys must go through same eligibility requirements as attorneys to

404.1730(c)(1) - To receive direct payment of fees from beneficiaries' past-due benefits, their representatives must file a request for approval of a fee, or written notice of intent to file a request, at an SSA office within 60 days of the date a favorable determination notice is mailed.

404.1730(c)(2)(i) - If representatives do not file a request within 60 days, they will receive a notice telling them to do so within 20 days of the notice date.

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404.1730(c)(2)(ii) - Representatives must send beneficiaries copies of time extension requests they made to SSA.

416.1528(a) - If representatives have provided the beneficiary services relating to dealings with SSA, they must specify what portion of the fee they want to charge for those services; representatives must file the request for charging fees.

416.1530(c)(1) - Same as for 404.1730(c)(1), except this section applies to Title XVI beneficiaries

416.1530(c)(2)(i) - Same as for 404.1730(c)(2)(i), except this section applies to Title XVI beneficiaries

416.1530(c)(2)(ii) - Same as for 404.7130(c)(2)(ii), except this section applies to Title XVI beneficiaries

3. For the sections of this regulation which are already cleared by existing OMB-approved collections (see Item #12), electronic availability is discussed in the ICRs for those collections. For the few sections which pose new public reporting burdens, (see Item #12), electronic versions are not available under the Agency's Government Paperwork Elimination Act plan due to extremely low volume of usage.
4. 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 OMB that collects data similar to that collected here.
5. This collection does not impact small businesses or other small entities.
6. If this collection were not conducted, SSA would not be able to comply with the non-attorney representative sections of the SSPA. Since the information is only collected on an as-needed basis, it cannot be collected less frequently.

There are no technical or legal obstacles that prevent burden reduction.

7. There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.
8. The Federal Register Notice for these Interim Final rules published on April 5, 2007, at 72 FR 16720. We will forward any public comments received in response to this Notice to OMB.
9. The only payment SSA provides to respondents are the appropriate fees for representing a beneficiary, as per these Rules. Otherwise, no payment or gifts are provided to respondents.

10. The information requested 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. The information collection does not contain any questions of a sensitive nature.
12. Below is a chart of the estimated burden for each of the relevant regulation sections. Please note that for some sections, the burden is covered by an already existing information collection instrument. This is indicated by the one-hour placeholder burden.

Regulation Section	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden
404.1717	-	-	-	1 hour placeholder burden (covered by OMB No. 0960-0699, Non-Attorney Representative Demonstration Project)
404.1730(c)(1)	-	-	-	1 hour placeholder burden (covered by 0960-0104/SSA-1560-U4, the Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social Security Administration, and OMB No. 0960-0699, Non-Attorney Representative Demonstration Project)
404.1730(c)(2)(i)	841	10/year	30	4,205 hours
404.7130(c)(2)(ii)	600	1	3	30 hours

416.1517	-	-	-	1 hour placeholder burden (covered by OMB No. 0960-0699, Non-Attorney Representative Demonstration Project)
416.1528(a)	-	-	-	1 hour placeholder burden (covered by OMB No. 0960-0104/SSA-1560-U4, the Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social Security Administration)
416.1530(c)(1)	-	-	-	1 hour placeholder burden (covered by 0960-0104/SSA-1560-U4, the Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social Security Administration, and OMB No. 0960-0699, Non-Attorney Representative Demonstration Project)
416.1530(c)(2)(i)	561	10/year	30	2,805 hours
416.1530(c)(2)(ii)	400	1	3	20 hours
Totals	2,402	-	-	7,065 hours

The total burden of **7,065** hours is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. For those regulation sections whose burden is covered by existing information collection tools, the annual cost to the Federal Government is accounted for in their ICRs. For those sections with new burden, the cost is negligible.
15. This is a new information collection that will increase the public reporting burden.
16. The results of the information collection will not be published.
17. SSA is not requesting an exception to publishing the OMB expiration date.
18. 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.