

**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. Introduction/Authoring Laws and Regulations–** *Sections 205 and 303 of the Social Security Protection Act (SSPA) of 2004 (Public Law 108-203); and 20 CFR 404.1745-404.1799 and 20 CFR 416.1545-416.1599 of the Code of Federal Regulations*, provides for a 5-year, non-attorney representative demonstration project, conducted by the Social Security Administration (SSA). In this project, SSA will extend direct payment of approved fees from a claimant's past-due Social Security benefits to certain non-attorney representatives. Prior to enactment of the SSPA, only attorneys could receive direct payment of SSA-approved fees. 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 (the 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 must not have been suspended or disqualified from practice before SSA; 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 *Act*.

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

- 2. Description of Collection** -The information SSA is collecting helps us determine whether a non-attorney representative has fulfilled the statutory prerequisites and regulatory requirements as listed in item number 1 above.

SSA awarded a contract to CPS Human Resource Services to assist with administration of the demonstration project in January 2004, with the option to renew the contract for additional option years. CPS developed the Non-Attorney Representative Demonstration Project application. We require applicants for the demonstration project to submit the application form directly to the contractor. Every year, the contractor evaluates the applications, conducts verification investigations, criminal background checks, and issues recommendations to SSA regarding the applicant's eligibility to sit for the test to become a non-attorney representative.

The respondents are non-attorneys who would like to receive direct payment for representing individuals before SSA.

SSA is in the process of seeking legislative changes that will affect this application process (i.e., information collection). At this time, we cannot estimate when these legislative changes will take effect, however, when they do, we will petition OMB for a revision to this IC.

- 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 using a paper questionnaire or an electronic form. The paper form is available to applicants who do not want to submit their applications on-line. The electronic form is available on the contractor's Internet website. The non-attorney applicants have the option of submitting the completed application form online or requesting a paper copy of the application to mail or deliver it to the contractor. However, in addition to submitting the information to the contractor on-line, all online applications must be printed, signed (wet signature), and sent to the contractor.

In accordance with SSA's Government Paperwork Elimination Act plan, the contractor created an Internet version of the application. Based on our data, we estimate approximately 90 percent of new applicants use the electronic version and 100 percent of existing applicants submit electronically their required continuing education course information.

- 4. Why We Cannot Use Duplicate Information** - The nature of the information we are collecting and the manner in which we are collecting 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 the application, the applicants would have no way to apply to become direct payment representatives. This would be in violation of regulations at 5 CFR 1320.5. Applicants have 6 weeks to submit their applications during the yearly application period. There are no technical or legal obstacles to burden reduction.
7. **Special Circumstances** - To limit the time required to determine eligibility, applicants have 6 weeks to submit their applications during the yearly application period. There are no other 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 the 60-day advance Federal Register Notice on September 24, 2009 at 74 FR 48795, and we received no public comments. We published the second Notice on December 21, 2009, at 74 FR 67945. There have been no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** – SSA does not provide payments or gifts to the respondents for providing this information.
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** – Approximately 200 new respondents take 60 minutes each to complete the application each year. Accordingly, the burden is 200 hours. Approximately 500 existing respondents take 30 minutes each to submit verification of continuing education credits each year. Accordingly, this burden is 250 hours. The total burden for this ICR is 450 hours. The projected number of new and existing respondents may vary because of the eligibility criteria associated with this project. This figure represents burden hours and we did not calculate a separate cost burden.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Response Time (minutes)</b>	<b>Burden (hours)</b>
New Applicants (paper submission)	20	1	60 minutes	20

New Applicants (electronic submission)	180	1	60 minutes	180
Existing Applicants CE Submission	500	1	30 minutes	250
<b>Totals</b>	700	----	---	<b>450</b>

- 13. Annual Cost to the Respondents** - 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 to receive the information is \$500,000. This estimate is a projection of the cost of paying the contractor who is responsible for collecting the information and verifying respondents’ eligibility for the demonstration project.
- 15. Program Changes or Adjustments to the Information Collection Request** – When we last cleared this ICR in 2006, the burden was 725 hours. We have removed one IC, the Annual Reaffirmations Worksheet, as it is not a requirement of the SSPA, and therefore have decreased the public reporting burden. Further, the number of participants in the project has decreased since the last clearance, thus causing an additional decrease in the 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** - SSA is not requesting an exception to the requirement to display an 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.