

Supporting Statement for Form SSA-1693
Fee Agreement for Representation before the Social Security Administration
OMB No. 0960-NEW

A. Justification

1. Introduction/Statutory Authority

The *Social Security Act (Act)* requires any person who represents a claimant before the agency, and wants to receive a fee for services, to obtain the Social Security Administration's (SSA) authorization of the fee. One way to request the necessary fee authorization is to complete and submit a fee agreement using Form SSA-1693. Sections 206 (a), (b), and 1631(d) of the *Act* give SSA the legal authority for requesting the information on the SSA-1693. This form will help SSA more efficiently process these fee requests.

2. Description of Collection

Representatives currently use fee agreements that vary in length, content, and complexity, and this frequently causes delays in the approval process. SSA created Form SSA-1693 to standardize the fee agreement document, and to expedite the review process. Use of this form is voluntary for the representatives; however, when they choose to use the form, SSA requires them to complete all of the sections to ensure SSA has all the information necessary to authorize a fee under the fee agreement process. The respondents are the claimants and their representatives who help the claimants through the application process.

3. Use of Information Technology to Collect the Information

The SSA-1693 is available as a fillable PDF form, and may be accessed from our website to download when needed from www.ssa.gov. However, the representative will have to print, complete, and mail the SSA-1693 to the agency with supporting documentation, after which SSA will store the form in the appropriate electronic claims file. Due to conflicting priorities for agency funding, we have not, yet, created an electronic version of this form under the Government Paperwork Elimination Act plan; however, we will consider it in our future plans.

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 Businesses

This collection does not significantly affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

The fee agreements the representatives create are often complicated, and

sometimes inconsistent with statutory criteria. We created a simplified form, the SSA-1693, which is straightforward and easy to understand. The information we collect on the SSA-1693 is critical to properly authorize a fee under section 206(a)(2) of the Act. Because we only collect the information once during the administrative process of the claim, 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

The 60-day advance Federal Register Notice published on November 22, 2017, at 82 FR 55707, and we received several public comments.

We summarized the comments and our responses to them below:

- *Comment:* A commenter requested simplification of several terms that might be confusing to users or the public.
 - *SSA Response:* We understand that some terms can be confusing and we revised and simplified them when possible. Some terms have legal significance, such as “escrow accounts,” or are terms we frequently use in our policy manual or day-to-day business, and we cannot further simplify them or revise them without causing possible inconsistency or confusion.

- *Comment:* A commenter was concerned that the font, selection blocks and instructions might be too much information and confusing to the average user.
 - *SSA Response:* All of our online forms are 508 compliant. We will make the SSA-1693 508 compliant as well as fillable, when we make it available online. For the paper version, we must consider space and length limitations. We removed some of the blocks to allow for more space. Finally, on the paper version, we will print the instructions on the back of each page of the form, so they are readily available but do not interfere with the language on the form.

- *Comment:* A commenter questioned the need for asking certain information such as a claimant’s address, when the claimant provides his or her Social Security Number and representative’s ID.
 - *SSA Response:* We are requiring the parties’ addresses on the form because we want to capture the most updated information to compare it with our files. We will contact the parties if there is a discrepancy in the information we receive. We also purposely and conspicuously include the representative’s ID and the claimant’s

SSN on each page of the form. This is important because we frequently receive these forms, along with other appointment documents, by fax or mail. We want to ensure that if any page is inadvertently separated, we can easily and correctly collate it.

- *Comment:* A commenter noted that the two-tiered fee agreement failed to provide language for court awarded fees.
 - *SSA Response:* Court-awarded fees are outside our purview. This form is designed for the request of administrative fees only.
- *Comment:* A commenter questioned the need to discuss escrow accounts on the form, while other commenters asked us to clarify the language in the section which discusses escrow accounts.
 - *SSA Response:* We believe that it is important to collect information on escrow accounts on the form because they are widely used by professionals, including individuals who represent claimants before us. In our design, we considered several samples of fee agreements utilized in a diverse field practices. We ultimately chose the best of these samples, incorporating the information we need to collect.
- *Comment:* Some commenters contended that the form does not make clear that past-due benefits may include past-due benefits from auxiliary beneficiaries.
 - *SSA Response:* We revised the language to make this clear.
- *Comment:* A commenter suggested that the form does not make specific mention to Supplemental Security Income (SSI).
 - *SSA Response:* This form may be used for a fee request for representation under any of our programs. Although, we included a reference to SSI in the instructions, we purposefully left the language on the form neutral to include all of our programs.
- *Comment:* Some commenters wanted us to mention our policy on out-of-pocket expenses more conspicuously on the form.
 - *SSA Response:* Although we explain our policy on out-of-pocket expenses in the instructions, we also included additional language on the form to improve clarity.
- *Comment:* Several commenters expressed concerns about mandating use of this form. They also had concerns of whether it will remain limited to one of the fee processes.
 - *SSA Response:* We want to reiterate that we are not mandating this form. We will continue to accept fee agreements as we always have. We designed this standard form to provide added convenience to the users, and to streamline the processing of the

fee agreement. This form is for use in the fee agreement process only. We already have an instrument to collect information for those requesting a fee under the fee petition process, when there are no past-due benefits. We are not revising the fee agreement or fee petition process.

- *Comment:* One advocacy group found the form’s Privacy Act Statement inapplicable.
 - *SSA Response:* Our Office of Privacy and Disclosure revised the Privacy Act Statement to conform it to the use of this instrument and to ensure it follows current OMB requirements for Privacy Statements.

- *Comment:* One advocacy group asked us to clarify that the RepID required on the top of each page is for the principal representative.
 - *SSA Response:* We revised the instrument to clarify that requirement.

- *Comment:* Some commenters asked that we add the current maximum fee under the fee agreement.
 - *SSA Response:* We did not add the maximum fee dollar amount. This amount is amply mentioned in our policy and elsewhere. In addition, we adjust the “cap” periodically at times that may not always coincide with the form’s renewal dates, which could render the form outdated. Therefore, we will not include this information on the form.

- *Comment:* A commenters asked to revise the Privacy Act Statement.
 - *SSA Response:* We revised the statement.

- *Comment:* A commenter requested clarification on the supporting statement as to whether this is a mandatory collection. *SSA Response:* We revised the language to clarify that while the form is not required, all sections of the form must be completed if the parties decide to use the form. Without the necessary information and signatures, we cannot process the fee agreement or authorize and certify a fee payment.

- *Comment:* A commenter requested adding a definitions page to the form.
 - *SSA Response:* We appreciate the comment and understand the value of a definitions page; however, this would likely increase the public burden and advocates have traditionally advised us against longer forms, so we believe it is perhaps better to add this guidance elsewhere such as our website.

- *Comment:* A commenter inquired if SSA done any small business impact analysis?
 - *SSA Response:* We determined that a small business impact analysis is unnecessary because this form is optional, and business who will choose to use this form most likely already use some type of fee agreement.

Because we revised the form extensively over several months, we republished the 60-day Federal Register Notice on June 8, 2018 at 83 FR 26732, and received no further public comments. The 30-day FRN published on August 6, 2018 at 83 FR 38441, and we received the same public comments we listed above to ensure our consideration (per the public commenter).

Since we received the same comments as above, we will not relist them here; however, we will post our response:

- We received many thoughtful comments and adopted most of them. Our goal is to design a fee agreement form as comprehensive and as concise as possible, so that the representative community will find it convenient and easy to use and will incorporate it into their practices.

In addition, we received one new comment. We summarized the comment and our response below:

- One commenter asked us to add the same header to the first page that we use on the rest of the pages.
 - We did not adopt this comment because the purpose of the header is to ensure that if any page is separated we can associate it with the correct form. However, the first page already contains this information, and repeating it in a header would be redundant. Furthermore, space is limited and any additional writings on the first page would significantly affect the form's layout.

We forwarded a copy of these comments and our response 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

We estimate approximately 600,000 respondents will take 12 minutes each to complete Form SSA-1693 annually. Accordingly, the burden is 120,000 hours:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-1693	600,000	1	12	120,000

The total estimated burden for this ICR is **120,000 hours**. We based this figure on our usability testing, as well as our knowledge of the program, and of the current fee petition form, the SSA-1560-U4, approved under OMB No. 0960-0105. Our estimated burden represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Users (Other)

This collection does not impose a known cost burden on the users.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$ 36,550. 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

This new form increases the public reporting burden. See question #12 above for burden figures. We will update our estimate in #12 as necessary once we implement this new form and obtain management information data.

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.