

Supporting Statement for Form SSA-1696
Appointment of Representative
20 CFR 404.1707, 404.1720, 408.1101, 416.1507, and 416.1520
OMB No. 0960-0527

A. Justification

1. Introduction/Authoring Laws and Regulations

People claiming a right or benefit (recipients) under the *Social Security Act (Act)* must notify the Social Security Administration (SSA) in writing if they appoint an individual to represent them in dealings with SSA. In addition, regulations require the representative to sign the notice of appointment (i.e. Form SSA-1696, Appointment of Representative, or another equivalent in writing) if the representative is not an attorney. The statutory authority for requiring this information is in Sections 206 and 1631(d) of the *Act*. The implementing regulations are in 20 CFR 404.1707, and 416.1507 of the *Code of Federal Regulations*. Sections 206(a) and 1631(d)(2) of the *Act* provide that when the individual representing the claimant is an attorney or a non-attorney meeting the requirements in Section 206(e) of the *Act*, the Commissioner shall certify payment out of past-due benefits a fee equal to as much as 25 percent of past-due benefits. The implementing regulations are in 20 CFR 404.1720 and 416.1520.

2. Description of Collection

Respondents can use Form SSA-1696, or the submittable electronic version, SSA-1696-APP, to appoint a representative to handle their claim before SSA and name their principal representative, and their selected representative(s) can use the SSA-1696 or SSA-1696-APP to indicate whether they will charge a fee, and to show their eligibility for direct fee payment. In addition, representatives also use the SSA-1696 or SSA-1696-APP to inform SSA of their disbarment; suspension from a court or bar in which they previously admitted to practice; or their disqualification from participating in or appearing before a Federal program or agency. SSA uses the information on the SSA-1696 or SSA-1696-APP to document the appointment of the representative, and we recognize the individual named in the notice of appointment the claimant signed and filed at an SSA office, or through our submittable portal, as the claimant's representative. We also use this form to collect the representative's business affiliation and employment identification number. In addition, respondents use the SSA-1696-SUP1 to revoke their appointment of a representative, and representatives use the SSA-1696-SUP2 to withdraw their acceptance of the appointment. SSA uses the information on the SSA-1696-SUP1 and SSA-1696-SUP2 to document the revocation and withdrawal of a representative. Respondents are applicants for, or recipients of, Social Security disability benefits (SSDI); SSI payments; or anyone pursuing a benefit or invoking a right under SSA programs, who are notifying SSA they have appointed someone to represent them in their dealings with SSA; any non-attorney representatives who need to sign the form; as well as individuals revoking their appointment of representative, and their representatives' withdrawal of their acceptance of an appointment.

- 3. Use of Information Technology to Collect the Information**
The SSA-1696, SSA-1696-SUP1, and SSA-1696-SUP2 are available in fillable PDF format to download, when needed, from www.ssa.gov. Respondents can complete the SSA-1696-APP electronically completed, signed, and submitted through an electronic portal on our website at www.ssa.gov/representation. Respondents can also fill out any of these forms, print, complete, and mail them to us with supporting documentation, or fax/eFax the completed forms to dedicated fax numbers. Representatives also have the option to electronically submit any of these forms through one of our electronic portals (e.g., ERE, OMB No, 0960-0753). When representatives submit these forms to us electronically, we store the form(s) in the respondent's electronic claims file. We are currently in the process of creating a full Internet version of the SSA-1696; however, we expect that process will take some time. Once we have the Internet application modality ready, we will submit it to OMB for review and approval through a full information collection request.
- 4. Why We Cannot Use Duplicate Information**
The nature of the information we collect and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.
- 5. Minimizing Burden on Small Business**
This information collection does not significantly affect small businesses or other small entities.
- 6. Consequence of Not Collecting Information or Collecting It Less Frequently**
If SSA does not collect the information identifying each recipient's representative, SSA could not fulfill its obligations under the *Act* and regulations to recognize an attorney, or other qualified individual, a recipient named as a representative. In addition, we only require the information from the SSA-1696-SUP1 and SSA-1696-SUP2 when necessary. SSA must identify the representative for each claim or claimant; therefore, SSA cannot conduct this information collection 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 March 10, 2022, at 87 FR 13783, and we received no public comments. The 30-day FRN published on May 24, 2022, at 87 FR 31598. If we receive any comments in response to this Notice, we will forward them 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 1,054,000 respondents complete these forms annually, as per the following burden chart:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-1696; SSA-1696-APP	1,100,000	1	12	220,000	\$73.86*	\$16,249,200**
SSA-1696-SUP1	5,505	1	5	459	\$11.70*	\$5,370**
SSA-1696-SUP2	254,825	1	5	21,235	\$73.86*	\$1,568,417**
Totals	1,360,330			241,694		\$17,822,987**

* We based these figures on average Legal Service hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>) and the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 12 minutes for the SSA-1696 or SSA-1696-APP, and 5 minutes for the SSA-1696-SUP1 or SSA-1696-SUP2 accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the

questions. Based on our current management information data, the current burden information we provided is accurate. The total estimated burden for this ICR is **241,694** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$17,822,987**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Users (Other)

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 is approximately \$376,599,420. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$376,596,000
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$376,599,420

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office staff process several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

Overall, usage of the SSA-1696 has increased and remains high. We still allow

respondents to use the previous version of the form to avoid any inconvenience for users who prefer the shorter version. In addition, the use of the two new supplemental forms, the SSA-1696-SUP1 and SSA-1696-SUP2, have considerably increased for the representatives, but decreased for the claimants in the last year as compared with previous years since publication. These two forms are included in the overall burden for this collection. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current 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.