

**Addendum to the Supporting Statement for Changes to the Administrative Rules
for Claimant Representation and Provisions for Direct Payment to Entities
(Marasco Decision)**

**20 CFR 422.515, 404.1703, 404.1705, 404.1707, 404.1720, 404.1730, 404.1735,
404.1740, 416.1503, 416.1505, 416.1507, 416.1520, 416.1530, 416.1535, and 416.1540
OMB No. 0960-0832**

Introduction to the Information Collection Revisions Included in this ICR

On August 21, 2024, we published the final rule, *Changes to the Administrative Rules for Claimant Representation and Provisions for the Direct Payment to Entities (Marasco Decision)*, at 89 FR 67542. In the Notice of Proposed Rulemaking (NPRM)¹ for this final rule, we solicited comments from the public on the information collection (IC) tools this Information Collection Request (ICR) comprises, including topics such as our proposed new burden estimates and potential changes to the ICs themselves (e.g., revised definitions, new requirements, etc). The “Comments and Responses” section of the final rule preamble outlines the comments submitted to us, and it provides our high-level responses to these comments. In this Addendum to the Supporting Statement, we disclose which changes we are making to the forms pertaining to the final rule, and we explain our justification for these changes. We are making similar revisions to all modalities of these information collections (paper, Intranet/Internal screens, submittable PDFs, and Internet, as applicable).

As we explained in the accompanying Supporting Statement, this ICR will make changes to three existing OMB-approved ICs. For reader and reviewer ease, we are creating a new ICR combining all the changes. However, once the final rule becomes effective, we will make change requests to incorporate these changes back into each individual IC, and we will retire this ICR.

Changes we are making to these ICs because of the final rule are in blue font. We are also making other non-substantive changes to improve the readability, usability, and accuracy of the ICs, and to align them with other forms. **These non-final rule related changes are in black font.**

¹ [NPRM for the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities \(Marasco Decision\)](#).

Revisions to OMB No. 0960-0731 (SSA Form No. SSA-1694, Entity Registration and Taxpayer Information):

SSA is revising this form to reflect the final rule changes regarding the new requirement that, prior to receiving direct payment of authorized fees or resolving fee-related matters, entities must register and designate a registered representative as a point of contact (POC). In addition, the changes to the form require that an entity provide banking information to receive direct payment, as our final rule requires entities to receive payment via electronic funds transfer (EFT).

To enable direct payments to entities and meet our mandatory tax reporting obligations to the IRS, we need to collect information such as tax identification numbers, addresses, and banking institutions from entities. We revised the SSA-1694 to ensure we collect the necessary information in one document to facilitate processing. Registration will continue to be voluntary for entities choosing not to establish eligibility for direct payment of authorized fees.

Revisions to the Collection Instrument

- **Change #1 (Page 1):** We moved the instructions to page one.

Justification #1: We are making this change to provide greater clarity and for consistency with the format of several of our other forms.

- **Change #2 (Page 1):** We added instructions for each section of the form.

Justification #2: We are making this change to provide greater clarity and for consistency with the new requirement that entities register to be eligible for direct payment of authorized fees and designate a point of contact (POC) to resolve fee-related matters.

- **Change #3 (Page 2):** We changed the Privacy Act Statement.

Justification #3: We are updating our Privacy language to conform to our agency's current template and format.

- **Change #4 (Page 3, Top):** We changed the Title of the form to *Entity Registration and Taxpayer Information*.

Justification #4: We are making this change for consistency with the new requirement that entities register to be eligible for direct payment of authorized fees.

- **Change #5 (Page 3, Section 1):** We added *Section 1 – Point of Contact Information*.

Justification #5: We made these changes for consistency with the new requirement that entities designate a point of contact (POC) to resolve fee-related matters and

added a section number for greater clarity when referencing parts of the form.

- **Change #6 (Page 3, Section 2):** We changed the title of the *BUSINESS INFORMATION* section to *Section 2 – Entity Information*.

Justification #6: We made these changes for consistency with the language used in our new rule and added a section number for greater clarity when referencing parts of the form.

- **Change #7 (Page 3, Section 2):** We added a checkbox to indicate if the form is submitted as an update to an existing registration.

Justification #7: We made these changes for clarity and efficiency in processing.

- **Change #8 (Page 3, Section 2):** We changed the third information entry to *Tax and Payment Address* and added a statement that IRS 1099 forms will be mailed to this address.

Justification #8: We made these changes for consistency with the new eligibility for entities to receive direct payment of authorized fees and to add clarity regarding the mailing of tax forms.

- **Change #9 (Page 3, Section 3):** We added *Section 3 – Entity Banking Information for Direct Deposit*.

Justification #9: We made these changes for consistency with the new requirement that entities receive payment via EFT and added a section number for greater clarity when referencing parts of the form.

- **Change #10 (Page 3, Section 4):** We changed the title of the *PERJURY STATEMENT* section to *Section 4 – Point of Contact Certification and Signature* and removed the printed name, contact name, and phone number fields.

Justification #10: We made these changes for consistency with the new POC requirement referenced above, the requirement that the POC be a registered representative not sanctioned from practicing before SSA, and for consistency with the information collected in new *Section 1 – Point of Contact Information*.

- **Change #11:** We no longer accept submissions of the SSA-1694 via Business Services Online (BSO) (OMB No. 0960-0626).

- **Justification #11:** We made this change because the agency changed the authentication credentials for the BSO system to bring them in line with OMB requirements of authentication of digital identity. As part of that authentication change, we moved BSO from behind the Integrated Registration Service (IRES – OMB No. 0960-0626) to the mySocial Security landing page, with authentication

through SSA's Public Credentialing and Authentication Process (OMB No. 0960-0789). With this move, the BSO system which formerly supported submission of the SSA-1694 via the Internet, no longer has the functionality to do so. Once we are able to create new functionality to accept submission of an electronic SSA-1694, we will do so, and will inform OMB via Change Request.

Revisions to OMB No. 0960-0527 (SSA Form No. SSA-1696, Appointment of Representative):

SSA is revising this form as a result of new regulatory requirements that all representatives be appointed through the completion of this form; that all representatives (both attorneys and non-attorneys) sign the form; and that representatives timely notify SSA if they wish to assign to an entity their right to direct payment of authorized fees. Standardizing the signature requirement and the notification of an assignment to an entity will improve efficiency by facilitating processing.

- **Change #1 (Overall Revision):** We re-ordered the sections.

Justification #1: We made these changes to provide greater clarity and more logical organization.

- **Change #2 (Page 3, Removed):** We removed *Section 2 – Authorization for Disclosure*.

Justification #2: We removed this section to reduce the collection burden because it is now superfluous due to our revising the Statement of Record Notice (SORN) to cover the information this section of the form was intended to address.

- **Change #3 (Page 6, Section 7 – also mentioned on Page 1):** We added *Section 7 – Other Claimants*.

Justification #3: We made these changes to collect information about auxiliary claimants associated with the claim who have not appointed their own representative(s).

- **Change #4 (Pages 1-2):** Throughout the instructions we made wording changes and organizational changes.

Justification #4: We made these changes to provide greater clarity and for consistency with the new regulatory requirements that SSA requires the completion of this form to appoint all representatives, that all representatives (both attorneys and non-attorneys) sign the form, and that representatives timely notify SSA if they wish to assign to an entity their right to direct payment of authorized fees.

- **Change #5 (Page 3, Section 1):** In the *Claimant's Information* section, we removed

the requirement that the claimant provide a complete address and moved the initial entry of the claimant's SSN to this section, rather than have it in a header on the first page above the title of the form. In addition, we added a "Reason for Submission" subsection, requesting that the respondent indicate whether they are submitting to file a new appointment or make an update to an established appointment and what that update is.

Justification #5: We removed the claimant address information to reduce the collection burden because the claimant address is collected on the benefit application. This allowed us to move the claimant's SSN to the claimant information section, a place we deemed more logical for a respondent to first be asked to provide this information. We added the "Reason for Submission" section to increase efficiency and reduce errors in processing this information collection.

- **Change #6 (Page 3, Section 2):** In the *Representative's Information* section we changed some language in the instructions and removed the requirement that the representative provide a complete address.

Justification #6: We made the changes to the instructions for consistency with the new regulatory requirement that all representatives register to be appointed. We removed the requirement to enter representative address and contact information to reduce the collection burden and avoid confusion because we do not use this information collection to update a representative's address and contact information. We process these updates from submissions of the SSA-1699.

- **Change #7 (Pages 4-5, Section 5):** In the *Representative's Status, Affiliations, and Certifications* section we labeled the parts of this section as parts A through D.

Justification #7: We made these changes for greater clarity when referencing parts of the form.

- **Change #8 (Page 4, Section 5, Part A):** In the *Representative's Status, Affiliations, and Certifications* section we added the prefatory language "I am now or have previously been" rather than repeating it in the certifications and we added an additional certification to address removal from practice and suspension of professional license.

Justification #8: We made these changes to remove redundant language and to bring the certifications into compliance with our regulations at *20 CFR 404.1740(b)(9)* and *416.1540(b)(9)*.

- **Change #9 (Page 5, Section 5, Part C):** In the *Representative's Status, Affiliations, and Certifications* section we added *Part C – Direct Payment of Authorized Fee to an Entity*, which provides a checkbox to indicate the representative is assigning direct payment of an authorized fee to an entity with which they affiliate. It also provides a checkbox to indicate the representative is rescinding a prior established assignment of

direct payment.

Justification #9: We made these changes for consistency with the new regulatory requirement that representatives timely notify SSA if they wish to assign to an entity their right to direct payment of authorized fees and to timely notify us if they wish to rescind a prior established assignment of direct payment.

- **Change #10 (Page 5, Section 5, Part D):** In the *Representative's Certifications* part of the *Representative's Status, Affiliations, and Certifications* section we removed some capitalization in the phrase "Rules of Conduct and Standards of Responsibility for Representatives," and we removed the last section that begins "If I intend to seek direct payment of the authorized fee on this claim."

Justification #10: We made these changes for consistency with the title of *20 CFR 404.1740* and *416.1540* and for consistency with the new regulatory requirement that all representatives register to be appointed, not just when they are seeking direct payment of authorized fees.

- **Change #11 (Page 5, Section 6):** In the *Fee Arrangement* section we changed the language following the first checkbox, replacing "to pay you the fee" with "to directly pay the fee."

Justification #11: We made these changes so that the language here accounted for the possibility that the payment may be going to an eligible entity when the appropriate conditions for assignment are met, and one has been made, as per the new regulatory requirements.

Revisions to OMB No. 0960-0732 (SSA Form No. SSA-1699, Representative Registration):

SSA is revising the form title and instructions on the SSA-1699 to bring the form into compliance with new regulatory requirements that all individuals must use the SSA-1699 to register as a representative before a claimant can appoint them as a representative or before an entity can designate them to be their point of contact (POC) to resolve fee-related matters. As part of our regulatory changes permitting representatives to assign direct payment of a fee to entities, SSA will require an entity to name a POC to facilitate resolution of fee discrepancies and other fee-related issues. The POC will need to register as a representative and must not currently be suspended or disqualified from practicing before us, per the new regulatory requirements under *20 CFR 404.1720(f)*, *404.1730(e)*, *416.1520(f)*, and *416.1530(e)*.

Our new rules require all representatives to register with us prior to being appointed on any claim. We expect this new requirement will:

- enable us to conduct business more efficiently because it will allow us to automate more notices, minimize manual errors, properly track transactions and related communications, and improve our sanctions process;

- help us further automate communications managed by our centralized representative database and share the information with our secondary databases used to process cases at different adjudicatory levels, so these systems can also automate their communications, thereby making the processing of appointments and fee payments more efficient by reducing errors associated with manual actions;
- enable us to better track all representatives' actions and conduct on their cases, rather than just those who choose to register with us; and
- extend access to our electronic services to more representatives.

Registration will continue to be a one-time process unless the representative's information changes, requiring an update to the registration data.

Regarding POCs, we expect the registration requirement will:

- facilitate quicker processing of entity registrations for direct payment because the information for POC designated by the entity at registration would already be in our system and would not need to be manually keyed-in by a technician prior to processing the entity's registration;
- enable us to readily identify and verify the POC when we share certain claim information to resolve fee matters and, if needed, ensure accountability under our rules of conduct as explained in Section VIII below; and
- help us ensure that we keep accurate and comprehensive records of our communications with the entities and their POCs.

Revisions to the Collection Instrument

- **Change #1 (Page 1, Top):** We changed the Title of the form to “Representative Registration” and edited the *Purpose of Form* section.

Justification #1: We made these changes for consistency with the new requirement that all individuals must register as a representative for a claimant to appoint them or for an entity to designate them as a point of contact (POC), regardless of whether they are seeking appointed representative services or direct payment of fees. In addition, this mandate rendered the NOTE in the *Purpose of Form* section no longer applicable; therefore, we revised it.

- **Change #2 (Page 1, General Information, 1st bullet):** In the *General Information and Instructions* section we changed the instructions for submitting the form.

Justification #2: We made these changes to provide greater clarity.

- **Change #3 (Page 1, General Information, 2nd bullet):** In the *General Information and Instructions* section we added a sentence to notify that all registrants will receive a Rep ID.

Justification #3: We added this sentence to make clear that a registrant will receive a Rep ID whether or not they intend to be appointed as a representative because individuals who intend to only serve as a POC for an entity may now use the form.

- **Change #4 (Page 1, General Information, 5th bullet):** In the *General Information and Instructions* section we changed our explanation for what happens if we are unable to process a form.

Justification #4: We made these changes because we changed our subregulatory policy on the handling of forms that we cannot process. We will notify the potential registrant but will not return incomplete or inaccurate forms.

- **Change #5 (Page 1, Bottom section):** In the *Explanation of Terms for Completing This Form* section we changed our definition of “Representative.”

Justification #5: We made these changes for consistency with our revisions to this definition in 20 CFR 404.1703 and 416.1503.

- **Change #6 (Page 1, Bottom section):** In the *Explanation of Terms for Completing This Form* section we changed our definition of “Representative Identification (Rep ID).”

Justification #6: We made these changes to clarify the Rep ID and when the registrant will use it.

- **Change #7 (Page 2):** We changed the Privacy Act Statement.

Justification #7: We made these changes to conform to our agency’s current template and format and included language reflecting the mandate for registration before a claimant can appoint the representative, or the entity can designate the representative as a POC.

- **Change #8 (Page 3, Top):** We removed the opening instruction “[c]omplete all sections that apply to you” along with related instructions at the beginning of Section I. We replaced these with a parenthetical completion instruction after the title of each section (e.g., “required for all registrants”).

Justification #8: We made these changes to provide greater clarity.

- **Change #9 (Page 3, Top):** We removed the opening statement “[w]e will return

incomplete or inaccurate forms.”

Justification #9: We made these changes because we changed our subregulatory policy on the handling of forms that we cannot process. We will notify the potential registrant but will not return incomplete or inaccurate forms.

- **Change #10 (Page 3, Top):** We added instructions regarding the type of address that should be entered in Section I.

Justification #10: We made this change to provide greater clarity.

- **Change #11 (Page 3, Top):** We changed the instruction on entering a Rep ID in Section I to provide a registration update, removing the threshold date 10/31/09.

Justification #11: We made these changes to remove obsolete language and provide greater clarity.

- **Change #12 (Page 4, Section II):** In the instructions for Section II, we added an instruction to select “No” if the registrant is not an attorney.

Justification #12: We made this change to provide greater clarity.

- **Change #13 (Page 4, Section II):** We removed the NOTE in Section II indicating the respondent does not need to complete the form if the registrant is not in the business of providing services to Social Security claimants.
- **Justification #13:** We made these changes for consistency with the new requirement that all individuals must register as a representative for a claimant to appoint them or an entity designate them as a POC, regardless of whether they are in the business of providing services to Social Security claimants.
- **Change #14 (Page 4, Section III):** After the title of Section III, we added that respondents only need to complete it if the registrant answered “Yes” in Section II.

Justification #14: We made this change to provide greater clarity.

- **Change #15 (Page 5, Section IV):** In Section IV, we added instructions before #5 and #6 to indicate the registrant only needs to complete these items if they will seek direct payment of an authorized fee as an appointed representative.

Justification #5: We made this change to provide greater clarity.

- **Change #16 (Page 7, Section V):** After the title of Section V and in the instructions at the beginning of Section V, we added that respondents only need to complete it if the registrant is affiliating with an entity and seeking direct payment of an authorized fee.

Justification #16: We made these changes to provide greater clarity.

- **Change #16 (Page 8, Section VI):** In the last attestation in Section VI, we added language to notify the registrant that failing to comply with SSA laws and rules related to representation may result in SSA finding them ineligible to serve as an entity POC.

Justification #16: We made these changes for consistency with the new requirement that all individuals must register as a representative for an entity to designate them as a POC and that such an individual will be subject to our Rules of conduct and standards of responsibility for representatives, as applicable to their identified role.

Implementation Plan Summary

As stated in the final rule, SSA plans to begin to use the revised SSA-1694 and revised SSA-1699 on September 30, 2024. Shortly thereafter, SSA plans to obsolete the previous version of this form and destroy existing stock of the previous version.

As also stated in the final rule, SSA plans to begin to use the revised SSA-1696 on December 9, 2024. Shortly thereafter, SSA plans to discontinue the previous version of this form and destroy existing stock of the previous version.