

Supporting Statement for Form SSA-1693
Fee Agreement for Representation before the Social Security Administration
OMB No. 0960-0810

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 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. Use of Form SSA-1693 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 claimant and the representative complete and sign the form and then submit it to SSA via various methods such as mail, analog fax, eFax, uploading it to iAppeals, Appointed Representative Services (ARS) and Electronic Records Express (ERE) portals, which allow upload of paper documents or file it in-person to an SSA employee in a field office or hearing office.

This paper option is in addition to the online version of the form, the e1693, which utilizes *Adobe Sign* technology to capture the parties' eSignatures. With this online version, SSA accepts electronic signatures and the submission of the form is fully online. Appointed representatives initiate a submission on our www.ssa.gov/representation website, provide valid email addresses for the claimant and other prospective representatives (the respondents) and create a password. When all respondents finish signing the form the platform submits an immutable image to SSA for processing. If not all respondents complete, signed, and submit the form within ten calendar days, the appointed representative must initiate a new submission. 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

Respondents may access the fillable PDF version of the SSA-1693 from our website www.ssa.gov. Representatives must complete all required sections. This fillable version can be printed, signed in pen-and-ink, and filed via mail, fax, eFax, uploaded in our portals as described above, or filed in-person. All respondents can also sign electronically and file the completed paper form in the same way. SSA staff will then

telephone the claimant to verify the signature and intent to sign the form verbally. Once verified, SSA will process the paper form normally.

In addition, claimants and representatives who want to use the online version, can complete, sign and submit the eForm, e1693, electronically via the Adobe platform. The Adobe platform service forwards the image of the completed and signed form to SSA's work queue ("WorkTrack") for processing.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it prevents 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

We use the information collected on the SSA-1693 and e1693 to process fee payments for representatives and we only collect it for those representatives. If we did not collect this information, we could not pay these fees. We only need to collect this information once, and as the statute requires, the case decision-maker will decide on the fee agreement at the time of the favorable decision.

Most representatives prefer to use their own formats of fee agreements. However, frequently, either these agreements do not contain enough information for fast processing, or they are too complicated and sometimes inconsistent with the statutory criteria for fee agreements. SSA developed Form SSA-1693 with consideration to public comments and advocacy groups' feedback to streamline the process and make its approval easy and straightforward. It was designed to be 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 August 23, 2021, at 86 FR 47190, and we received no public comments. The 30-day FRN published on November 18, 2021 at 86 FR 64585. If we receive any comments in response to this Notice, and we received no public comments. We did not consult with the public in the revision of this form.

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

SSA estimates approximately 5,000 respondents will take 13 minutes each to complete Form SSA-1693/e1693 annually. The new estimation takes into consideration the new online process, added instructions (added landing screens etc.) and small nuances and differences between the two versions. The following chart shows the burden information for this collection:

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-1693 or e1693	5,000	1	13	1,083	\$50.47**	\$54,659***
Written Agreements on Representative's Stationary	1,067,200	1	20*	355,733	\$50.47**	\$17,953,845***
Totals	1,072,200			356,816		\$18,008,504***

* We are including an estimated average burden per response of 20 minutes for the “free format” written fee agreements from the representatives. We emphasize that we do not know the true burden for these submissions as we have no authority over them. This average is based on our reviews of actual fee agreements we receive and our previous conversations with advocates (mostly while developing the SSA-1693). As these written fee agreements vary in complexity and length from advocate to advocate, we know that some may take longer than 20 minutes to write up a full narrative, while others may take significantly less time, as some of the fee agreements we receive are only one or two sentences long. Therefore, based on what we know, we use 20 minutes as an approximation on what represents an average time estimate per response for this modality.

** We based this figure on the averaged total of the average Lawyer's Legal Services wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

*** 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 13 minutes 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 burden for this collection instrument is **1,083** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$54,659**. 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 on the users.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately **\$226,967**. 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	\$2,500
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$6,250
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee (average \$21.86/ hr.) x 5,000 of responses x processing time (10 minutes)	18,217
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9/12/13 employee x man hours for development, updating, maintenance	\$200,000
Quantifiable IT Costs	Any additional IT costs	\$0*
Other	[Component may add as needed]	\$0*
Total		\$226,967

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

We are 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 and State Disability Determination Services (DDS) staff often help respondents fill out several forms at once, and the time it takes DDS staff to do this is unknown and varies greatly. Lastly, many employees have a hand in the receipt and processing of our forms, so we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. We have calculated these costs as accurately as possible based on the information we have for creating, updating, and maintaining this information collection instrument.

15. Program Changes or Adjustments to the Information Collection Request

We increased the burden for Form SSA-1693 and the e1693 by one minute for this information collection, as the e1693 version required a slight increase in the burden per response of one minute. We based this revised burden on additional feedback from the respondents. However, the overall burden hours for the form have decreased substantially because we are receiving fewer responses than originally expected. See #12 above for burden figures. We based our new figures on current usage data collected over the three years the form has been in circulation. We initially expected a much higher usage for this form, as our current management information data is showing a lower usage, we have updated the figures to show actual usage over the past three years. We are also including the updated burden information for the written agreements the representatives submit who choose not to use the SSA-1693. 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.