

**Justification for the Non-Substantive Changes for Form SSA-1693
Fee Agreement for Representation before the Social Security Administration
OMB No. 0960-0810**

Background

SSA needs to make minor changes to Form SSA-1693 due to the recently published Final Rule for Changes to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities RIN number 0960-AI22 (0960-0832)¹. In addition, we have increased the fee cap limit from \$7,200 to \$9,200 based on *Federal Register Notice 89 FR 40523*², published on May 10, 2024. Finally, we are implementing a series of changes to Form SSA-1693 to improve clarity, accuracy, gender neutral language, and maintain consistency in line with other agency forms. Below details the revisions we are making.

SSA requests OMB approval by **October 31, 2024**.

Revisions to the Collection Instrument

SSA is making the following revisions to the collection instrument:

- **Change #1:** We are revising the instructions regarding when to file the Form SSA-1693. This includes removing any reference to Form SSA-1696 or any equivalent writing. Additionally, we added “determination or decision” throughout this document to be consistent with our subregulatory instructions.

Justification #1: These changes streamline the filing process and focus specifically on Form SSA-1693’s requirements. This will help eliminate confusion that may arise from describing extraneous subregulatory requirements. Lastly, the addition of the words “determination or decision” provide consistency with our subregulatory instructions.

- **Change #2:** We revised the "Requesting a fee for Representational Services" section of the form by removing the words "he and she" and replacing them with "they." We have also corrected a typographical error by adding the letter "k" to the word "as" in the second-to-last sentence of this section.

Justification #2: We have made these changes to comply with the requirement to use gender-neutral language within all our forms and to correct a typographical error.

- **Change #3:** We revised the instructions in the registration section to align with our updated rules on administering representative fees.

Justification #3: We made this change to reflect the new regulatory requirements under the Final Rule for Changes to the Administrative Rules for Claimant Representation and

¹ [Federal Register :: Changes to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities](#)

² [Federal Register :: Maximum Dollar Limit in the Fee Agreement Process](#)

Provisions for Direct Payment to Entities RIN number 0960-AI22 (0960-0832), that all representatives be registered through the completion of Form SSA-1699 prior to being appointed to a claim.

- **Change #4:** We have corrected the instruction regarding when to file a fee agreement by including the word "you" for clarity. We have made a minor correction to include the word "you" in the instructions titled "when to file a fee agreement."

Justification #4: We made changes to these instructions to make them more inclusive by clarifying that either the representative or the claimant can submit the fee agreement.

- **Change #5:** In the two-tiered fee agreement section, we have removed the letter "s" from the word "representatives."

Justification #5: We made this change to correct grammatical errors and enhance the overall readability of the document.

- **Change #6:** We replaced gender-specific pronouns ("he and she") with "representative" and replaced the word "representation" with "representative" in the Trust and Escrow Account section.

Justification #6: We made these changes to comply with the requirement to use gender-neutral language within all our forms. In addition, we replaced the incorrect word with the correct word to complete this sentence.

- **Change #7:** We have removed "he and she" from the paragraph and replaced it with "your representative."

Justification #7: We made these changes to comply with the requirement to use gender-neutral language within all our forms.

- **Change #8:** We have removed the list of identified situations where a claimant must directly pay the authorized fee to the representative.

Justification #8: We made these changes for consistency with the changes in regulatory requirements for representatives under the Final Rule for Changes to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities RIN number 0960-AI22 (0960-0832) and provided a hyperlink to the appropriate policy. This simplifies the form by removing unnecessary details, thus reducing complexity and focusing on essential information.

- **Change #9:** We modified the language in the signature requirement of the form.

Justification #9: We made this change to clarify that in situations with multiple representatives who have not waived their fee for services, all representatives must sign on a single fee agreement for us to approve a fee agreement, as explained in the Final Rule for Changes to the Administrative Rules for Claimant Representation and Provisions for Direct

Payment to Entities RIN number 0960-AI22 (0960-0832).

- **Change #10:** We have updated the Privacy Act statement.

Justification #10: We have made this change to comply with our updated template and formatting.

- **Change #11:** We removed the date and fee amount from the general section.

Justification #11: We made this change to ensure the form remains accurate and applicable in the event of future changes to the fee cap amount.

- **Change #12:** We removed the date and fee amount from the Standard Fee Agreement section. We updated the standard fee agreement section on page 4 to better explain past due benefits and maximum fee amounts, and to provide a hyperlink to the policy on fee cap limits.

Justification #12: We made these changes to prevent confusion and ensure that claimants receive the most current information regarding fee cap limits by providing a hyperlink to the most relevant and updated policy information regarding fees.

- **Change #13:** We added additional language behind box one as an affirmation that claimants are aware that there may be an additional charge based on the date SSA favorably decides a claim. Additionally, we removed the date and the amount of the fee cap.

Justification #13: We made this change to ensure that claimants acknowledge potential additional charges, promoting transparency and informed consent in the fee authorization process.

- **Change #14:** We modified the language behind the second check box acknowledging the claimant election to pay a specific amount agreed upon by both parties.

Justification #14: We made this change to clarify the amount that both parties agreed to pay and collect in the fee agreement process.

- **Change #15:** We removed the repetitive word from the sentence and revised the language in the two-tiered fee agreement section to eliminate ambiguity and ensure a better understanding of the process.

Justification #15: We made this change to correct grammatical errors and enhance the overall readability of the document.

- **Change #16:** We added additional language "under the fee agreement process" at the end of the first sentence.

Justification #16: The language added more accurately reflects our fee authorization policy.

- **Change #17:** We added two paragraphs to the document, one for the claimant and one for the representative, to ensure clear communication regarding potential changes in the maximum fee amount.

Justification #17: We added text to the paragraph for the claimant to acknowledge their understanding of potential changes in the maximum dollar amount that SSA may require them to pay. Additionally, the language reflects the representative's responsibility to inform the claimant of any such changes. Lastly, we added a paragraph before the representative's signature which affirms the representative's understanding of their responsibility to inform the claimant of any changes to the fee amount before SSA favorably decides the claim.

- **Change #18:** We added the paragraph that appears before the representative signature page described in change #17 to the additional signatures page which additional representatives use.

Justification #18: We added this paragraph to affirm any additional representative's understanding of their responsibility to inform the claimant of any changes to the fee amount before SSA favorably decides the claim.

- **Change #19:** We now require additional representatives to provide the date of their signature in addition to their name and signature on the optional page "additional signatures" section.

Justification #19: We added the date to help clarify when additional representatives joined into the fee agreement and ensure representatives seeking payment of any authorized fees adhere to our rules.

These revisions will not change the current burden for the information collection.

Note: We are submitting a marked-up copy of the e1693 screens showing the same revisions as we are making to the paper form; however, as a contractor creates the e1693 submittable PDF for us, we will implement these revisions upon OMB approval, then submit a Change Request to OMB to submit the finalized version of the screens. This will update the record with the finalized e1693 once we have it.

Implementation Summary

SSA plans to begin the use of the revised Form SSA-1693 beginning December 9, 2024, with our final rule Changes to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities. To ensure we can implement on time, we request OMB approval by **October 31, 2024**.