



**SOCIAL SECURITY**  
Office of the General Counsel

JUN 08 2016

Lori A. Green  
Chief  
Defender Services Office  
Administrative Office of the United States Courts  
One Columbus Circle, N.E.  
Suite 4200  
Washington, DC 20544

Dear Ms. Green:

I write to ask for your assistance in distributing to Federal Public Defender (FPD) Offices the attached information regarding a pilot in which the Social Security Administration (SSA) will reduce fees charged to FPD attorneys for producing information requested for litigation in matters in which SSA is not a party and has no program interest. (If this should be directed to someone else, please let me know. Based on a conversation with the receptionist at your office, I was directed to Juval Scott but I have not received a call back.)

As you may know, SSA must spend its appropriated funds only for the purposes for which Congress appropriated such funds to the agency. As such, SSA generally must be reimbursed for any work, including the gathering and producing of information, it performs outside of the agency's mission as expressed in the Social Security Act and in the agency's appropriations. We have received requests to consider reducing the amount charged for providing agency information for litigation not involving SSA and where SSA has no interest.

After agency review, the Acting Commissioner has agreed to formally implement this pilot, which we describe in the attached document, effective May 1, 2016 and continuing until May 1, 2018. During this time, SSA will track the workloads and costs of producing information requested by DOJ attorneys and Federal Public Defenders. This pilot will allow SSA to determine if the agency should institute this policy after the pilot concludes.

I appreciate your assistance in communicating our policy to the FPD Offices.

If you have any questions regarding this pilot, or require any further information, please contact me at 410-965-0600. Questions from FPD attorneys regarding the pilot can be addressed to the appropriate Office of the General Counsel Regional Office, as described in the attachment.

### **Social Security Administration's (SSA) Fee Reduction Pilot**

SSA is instituting a pilot to reduce the fees SSA charges for requests for information from the Department of Justice (DOJ) attorneys and Federal Public Defenders (FPD) attorneys in matters to which SSA is not a party and does not have a program interest (non-program requests). The pilot is scheduled to run from May 1, 2016 through May 1, 2018.

For requests that meet the terms of the pilot, SSA will reduce the fees for FPD non-program requests for information by \$250 per case. Accordingly, if a FPD attorney requests information and the costs of providing the information is \$250 or less, SSA will provide the information to the FPD attorney at no charge. If a FPD attorney requests information from SSA and the costs of providing the information is greater than \$250, SSA will deduct \$250 from the total costs before seeking reimbursement for the remaining balance.

The fee reduction is limited to a maximum reduction of \$250 per active litigation matter. SSA will not accept multiple requests for the same litigation. Additionally, the fee reduction does not include fees associated with certifying records. As such, FPD must reimburse SSA for the costs to certify records in matters to which SSA is not a party and does not have a program interest.

To qualify for the pilot, a FPD attorney must submit to SSA a written request for information signed by a supervisory official. For SSA to disclose the requested information, the request must meet all Privacy Act, 5 U.S.C. § 552a, and SSA disclosure requirements, 20 C.F.R. Parts 401 and 402.

To the greatest extent practicable, FPD attorneys should direct requests for information to the appropriate SSA Office of the General Counsel Regional Office for the district where they litigate. This will help us respond to requests in a timely manner. For FPD's convenience, attached hereto is a list of Regional Chief Counsel's Office with the States and U.S. Territories for which they have jurisdiction.

Please note that the pilot is only applicable to requests from DOJ's litigation components and FPD's litigation components. The pilot is not applicable to requests for information for non-litigation purposes.

Accordingly, if a FPD attorney needs information from SSA for a matter in which SSA is not a party and does not have a program interest, the FPD attorney should:

- Submit a written request;
- Signed by a supervisory official;
- Directed to the appropriate Regional Chief Counsel's Office;
- Satisfy the requirements of Privacy Act and SSA's privacy regulations; and
- Advise whether FPD has previously received a fee reduction for the applicable case.

Lori A. Green  
June 8, 2016  
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Liu". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andy Liu  
General Counsel

Attachments

## **Social Security Administration's (SSA) Fee Reduction Pilot**

SSA is instituting a pilot to reduce the fees SSA charges for requests for information from the Department of Justice (DOJ) attorneys and Federal Public Defenders (FPD) in matters to which SSA is not a party and does not have a program interest (non-programmatic requests). The pilot is scheduled to run from May 1, 2016 through May 1, 2018.

For requests that meet the terms of the pilot, SSA will reduce the fees for DOJ non-programmatic requests for information by \$250 per case. Accordingly, if a DOJ attorney requests information and the costs of providing the information is \$250 or less, SSA will provide the information to the DOJ attorney at no charge. If a DOJ attorney requests information from SSA and the costs of providing the information is greater than \$250, SSA will deduct \$250 from the total costs before seeking reimbursement for the remaining balance.

The fee reduction is limited to a maximum reduction of \$250 per active litigation matter. SSA will not accept multiple requests for the same litigation. Additionally, the fee reduction does not include fees associated with certifying records. As such, DOJ must reimburse SSA for the costs to certify records in matters to which SSA is not a party and does not have a program interest.

To qualify for the pilot, a DOJ attorney must submit to SSA a written request for information signed by a supervisory official. For SSA to disclose the requested information, the DOJ attorney should consider SSA's requirements for disclosure set forth in "SSA's Disclosure Policy Regarding Department of Justice (DOJ) Requests for SSA Records or Testimony in Civil or Criminal Matters" (Disclosure Policy), which was reissued to your office in January of this year (attached).

To the greatest extent practicable, DOJ attorneys should direct requests for information to the appropriate SSA Office of the General Counsel Regional Office for the district where they litigate. This will help us respond to requests in a timely manner. For DOJ's convenience, attached hereto is a list of Regional Chief Counsel's Office with the corresponding United States Attorneys' offices that they service.

Please note that the pilot is only applicable to requests from DOJ's litigation components (i.e., the United States Attorneys' offices and the litigating offices at DOJ headquarters) and FPDs. The pilot is not applicable to requests for information from other DOJ components, such as the United States Parole Commission, the United States Probation and Pretrial Services, or the Federal Bureau of Investigation. Nor is it available for requests from other Federal agencies.

Accordingly, if a DOJ attorney needs information from SSA for a matter in which SSA is not a party and does not have a program interest, the DOJ attorney should:

- Submit a written request;
- Signed by a supervisory official;
- Directed to the appropriate Regional Chief Counsel's Office;
- Satisfy the requirements of SSA's Disclosure Policy; and
- Advise whether DOJ has previously received a fee reduction for the applicable case.

**LIST OF SSA REGIONAL CHIEF COUNSEL'S OFFICES  
WITH CORRESPONDING ASSISTANT UNITED STATES ATTORNEY'S  
OFFICES**

- SSA Boston Regional Chief Counsel's Office:
  - Connecticut
  - Maine
  - Massachusetts
  - New Hampshire
  - Rhode Island
  - Vermont
  
- SSA New York Regional Chief Counsel's Office:
  - New York, Eastern
  - New York, Northern
  - New York, Southern
  - New York, Western
  - New Jersey
  - Puerto Rico
  - Virgin Islands
  
- SSA Philadelphia Regional Chief Counsel's Office:
  - Delaware
  - District of Columbia
  - Maryland
  - Pennsylvania, Eastern
  - Pennsylvania, Middle
  - Pennsylvania, Western
  - Virginia, Eastern
  - Virginia, Western
  - West Virginia, Northern
  - West Virginia, Southern
  
- SSA Atlanta Regional Chief Counsel's Office:
  - Alabama, Middle
  - Alabama, Northern
  - Alabama, Southern
  - Florida, Middle
  - Florida, Northern
  - Florida, Southern
  - Georgia, Middle
  - Georgia, Northern
  - Georgia, Southern
  - Kentucky, Eastern
  - Kentucky, Western

- Mississippi, Northern
  - Mississippi, Southern
  - North Carolina, Eastern
  - North Carolina, Middle
  - North Carolina, Western
  - South Carolina
  - Tennessee, Eastern
  - Tennessee, Middle
  - Tennessee, Western
- SSA Chicago Regional Chief Counsel's Office:
    - Illinois, Central
    - Illinois, Northern
    - Illinois, Southern
    - Indiana, Northern
    - Indiana, Southern
    - Michigan, Eastern
    - Michigan, Western
    - Minnesota
    - Ohio, Northern
    - Ohio, Southern
    - Wisconsin, Eastern
    - Wisconsin, Western
- SSA Dallas Regional Chief Counsel's Office:
    - Arkansas, Eastern
    - Arkansas, Western
    - Louisiana, Eastern
    - Louisiana, Middle
    - Louisiana, Western
    - New Mexico
    - Oklahoma, Eastern
    - Oklahoma, Northern
    - Oklahoma, Western
    - Texas, Eastern
    - Texas, Northern
    - Texas, Southern
    - Texas, Western
- SSA Kansas City Regional Chief Counsel's Office:
    - Iowa, Northern
    - Iowa, Southern
    - Kansas
    - Missouri, Eastern
    - Missouri, Western
    - Nebraska

- SSA Denver Regional Chief Counsel's Office:
  - Colorado
  - Montana
  - North Dakota
  - South Dakota
  - Utah
  - Wyoming
  
- SSA San Francisco Regional Chief Counsel's Office:
  - Arizona
  - California, Central
  - California, Eastern
  - California, Northern
  - California, Southern
  - Hawaii
  - Guam & Northern Mariana Islands
  - Nevada
  
- SSA Seattle Regional Chief Counsel's Office:
  - Alaska
  - Idaho
  - Oregon
  - Washington, Eastern
  - Washington, Western