

## **Social Security Disability Applicants' Access to Professional Representation Act of 2010 H.R. 4532**

This bill would make permanent an expiring provision which improves access to professional representation for Social Security and Supplemental Security Income (SSI) disability claimants.

### **Background**

For many years, attorneys who represent Social Security disability claimants have been able to have their fees withheld from the claimant's past-due benefits and paid directly to the attorneys by the Social Security Administration (SSA). By providing a way to ensure that attorneys are paid if the case is successful, this system ensures that disability applicants have access to legal representation, which is important in the complex appeals process. The fees are limited to 25 percent of the claimant's past-due benefits, subject to a dollar cap (currently \$6,000), and are only paid if the claimant wins.

In 2004, Congress adopted a provision expanding this fee-withholding system in two ways: (1) it was extended to SSI cases; and (2) it was extended to qualified non-attorney representatives. To be a "qualified non-attorney representative," an individual must pass a certification exam administered by SSA and meet other criteria designed to protect claimants. These changes were temporary, however, expiring on March 1, 2010. SSA and the Government Accountability Office have both issued reports assessing the non-attorney representative program, and no problems have been identified.

Making this provision permanent would increase access to professional representation for disability claimants, especially the most impoverished claimants. It would also increase SSA's administrative efficiency, as professional representatives can help ensure that cases are properly prepared before a hearing is conducted. Disability organizations and other stakeholders have testified before the Ways and Means Committee in support of making this provision permanent.

H.R. 4532 saves approximately \$3 million in FY 2010 and \$55 million over 10 years due to user fees paid by the representatives.