



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

February 1, 2010

The Honorable John Tanner, Chairman  
Subcommittee on Social Security  
Committee on Ways & Means  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jim McDermott, Chairman  
Subcommittee on Income Security and  
Family Support  
Committee on Ways & Means  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Sam Johnson,  
Ranking Member  
Subcommittee on Social Security  
Committee on Ways & Means  
U.S. House of Representatives  
Washington, DC 20515

The Honorable John Linder, Ranking Member  
Subcommittee on Income Security and  
Family Support  
Committee on Ways & Means  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Tanner, Chairman McDermott, Ranking Member Johnson, and Ranking Member Linder:

On behalf of the undersigned members of the Consortium for Citizens with Disabilities (CCD) Social Security Task Force, we are writing in support of H.R. 4532, the "Social Security Disability Applicants' Access to Professional Representation Act of 2010." H.R. 4532 makes permanent two provisions included in the Social Security Protection Act of 2004 (SSPA), P.L. 108-203, designed to improve access to representation for claimants applying for Social Security disability and Supplemental Security Income benefits.

Section 302 of the SSPA authorized the withholding and direct payment of attorneys' fees in Supplemental Security Income cases. Section 303 established a demonstration project to allow withholding and direct payment of fees to eligible non-attorney representatives. Both programs are scheduled to sunset on February 28, 2010. Because both programs have been successful, we are writing to support their permanent continuation.

## **Withholding and Direct Payment of Fees in SSI Cases**

Section 302 of the SSPA amended section 1631(d)(2) of the Social Security Act to extend the Title II fee withholding and direct payment procedures to claims under Title XVI of the Act.

The CCD Social Security Task Force has long supported allowing SSI claimants to enter into voluntary agreements with attorneys which would allow SSA to withhold and provide direct payment of attorneys' fees from past due SSI benefits. The SSPA established this provision and extended it to attorneys and non-attorney representatives who qualify under the Section 303 demonstration (described below). The SSA disability determination process is very complex and beyond the capacity, training, or experience of many claimants to negotiate without knowledgeable assistance. By ensuring that representatives will be paid a fee for successful work on a claimant's behalf, this provision has helped to assure that a knowledgeable, experienced pool of representatives is available to claimants. The limit on fees and the involvement of SSA in establishing the fees helps to ensure that the fees are reasonable. Experience has demonstrated that this provision has increased opportunities for SSI claimants to obtain representation.

## **Fee Withholding for Qualified Non-Attorney Representatives**

Section 303 of the SSPA established a demonstration program to examine the effectiveness of allowing non-attorney representatives to qualify for fee withholding. In order to qualify, the non-attorneys must possess a bachelor's degree (or equivalent experience) and malpractice insurance coverage; pass a background check; complete a test examining knowledge of the Social Security disability system; and maintain continuing education in areas directly related to Social Security disability programs. To date, the demonstration program has been successfully implemented. We believe that claimants benefit from the availability of qualified non-attorneys and we urge that the sunset date be lifted.

## **Conclusion**

CCD appreciates your efforts to assure that claimants applying for Social Security disability and Supplemental Security Income benefits receive the benefits to which they are entitled. Access to an experienced and qualified representative to guide claimants through the lengthy and often-confusing process is key to a timely and well-informed decision by SSA. Since the SSPA was enacted, the provisions detailed above have proven their effectiveness in increasing claimants' access to effective representation. For these reasons, we urge Congress to move quickly to extend and make permanent both programs so that there is no gap or delay which might affect claimants' cases and/or their ability to receive knowledgeable assistance.

Sincerely,

Marty Ford  
The Arc and United Cerebral Palsy Disability Policy Collaboration

Peggy Hathaway  
United Spinal Association and National Spinal Cord Injury Association

Susan Prokop  
Paralyzed Veterans of America

Paul Seifert  
Council of State Administrators of Vocational Rehabilitation

Co-Chairs, CCD Social Security Task Force

**On Behalf Of:**

American Council of the Blind  
Bazelon Center for Mental Health Law  
Community Access National Network  
Council of State Administrators of Vocational Rehabilitation  
National Association for Disability Representatives  
National Council for Community Behavioral Healthcare  
National Council on Independent Living  
National Organization of Social Security Claimants' Representatives  
National Spinal Cord Injury Association  
Paralyzed Veterans of America  
Research Institute for Independent Living  
The Arc of the United States  
United Cerebral Palsy  
United Spinal Association