



Floor Statement Sam Johnson (R-TX)
Ranking Member, Social Security Subcommittee
H.R. 4532 – The Social Security Disability Applicants’ Access to
Professional Representation Act of 2010

Filing for disability benefits isn’t easy. There are deadlines to meet, complicated questions to answer, confusing forms to fill out, and doctor reports that need to be sent to Social Security. It’s no wonder that close to two-thirds of all those who appear before an Administrative Law Judge need a representative to help navigate this complex process.

If benefits are paid, most representatives receive a fee of 25 percent of past due benefits, capped at \$6,000.

Since 1967, through a process known as fee withholding, Social Security has withheld these fees from past due Social Security disability benefits and paid attorney representatives directly.

However, non-attorney representatives and attorneys representing those applying for Supplemental Security Income or SSI benefits had to collect their fees from their clients.

This changed in 2004 when Congress passed the Social Security Protection Act.

This legislation created a 5-year demonstration program that expanded fee withholding to SSI benefits and also allowed qualified non-attorneys to participate in fee withholding from Social Security and SSI benefits. The program expires March 1st of this year.

Both the Social Security Administration and the Government Accountability Office have studied these programs and found that they are working. Well-qualified non-attorneys are participating in fee withholding, and those applying for SSI benefits have greater access to representation.

Now that the demonstration program is about to expire, advocates for those with disabilities and associations representing attorneys and non-attorneys support making these provisions permanent.

I agree. So I was pleased to join Ways and Means Social Security Subcommittee Chairman John Tanner, along with Income Security and Family Support Subcommittee Chairman Jim McDermott and Ranking Member John Linder to introduce H.R. 4532, the Social Security Disability Applicants’ Access to Professional Representation Act of 2010.

Not only does this bill help those filing for disability benefits, it also saves the taxpayers \$55 million over 10 years, as representatives pay the government a user fee for processing their payments.

I urge my colleagues to support this legislation. But I also hope our Subcommittees will do more to make filing for disability benefits easier. The more progress we can make, the more our constituents will avoid losing their hard earned benefits to representatives in the first place.

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