

STRENGTHENING PROTECTIONS FOR SOCIAL SECURITY BENEFICIARIES ACT OF 2017 (H.R. 4547)

Introduced by Social Security Subcommittee Chairman Sam Johnson (R-TX) and Ranking Member John B. Larson (D-CT), the *Strengthening Protections for Social Security Beneficiaries Act of 2017* makes much-needed changes to the representative payee program to strengthen oversight and beneficiary protections, while improving payee selection and quality.

STRENGTHENING PROTECTIONS FOR SOCIAL SECURITY BENEFICIARIES ACT

- **Strengthens oversight of representative payees** by requiring additional types of onsite reviews of payee performance, increasing the number of reviews, and improving the effectiveness of reviews by requiring the Protection and Advocacy system of each state to conduct the reviews, on behalf of the Social Security Administration (SSA).
- **Reduces the burden on families** by eliminating the requirement to file the annual accounting form for representative payees who are parents living with their child or adult child who has a disability, or who are spouses. (Some administrative savings from elimination of these forms would be redeployed to efficiently strengthen reviews for all payees, as above.)
- **Protects the most vulnerable beneficiaries** through improved information-sharing by requiring the SSA to identify whether a beneficiary is in foster care and reassess whether the payee is appropriate; and – in order to help identify beneficiaries who may need a payee, and to oversee the performance of payees – providing for a feasibility study to improve coordination between Adult Protective Services and the SSA, and directing the SSA to study how to exchange information with state courts regarding individuals with guardians.
- **Improves payee selection** by allowing beneficiaries to make an advance designation of their preferred payee and by requiring the SSA to assess the appropriateness of the order-of-preference list it uses to select payees.
- **Ensures that no beneficiary has a barred payee** by codifying the policy that bans individuals with certain criminal convictions from serving as payees (including individuals currently serving as payees) and prohibiting individuals who have payees from serving as a payee for others.

BACKGROUND

- In 1939, Congress first authorized the SSA to make benefit payments to another person or organization – called a representative payee – in cases where a beneficiary is not capable of managing their own benefits, such as a child or an adult with dementia. Payees can be parents, other individuals, or organizations.
- The SSA is responsible for assessing whether an individual needs a representative payee, screening and selecting payees, and providing oversight of those serving as payees.
- Congress last made changes to the representative payee program in the Social Security Protection Act of 2004 (P.L. 108-203), which increased oversight of representative payees, tightened screening requirements for payee applicants, and required Social Security to reissue benefits misused by a payee in certain cases.
- Although the Social Security Protection Act made important changes to the representative payee program, a number of organizations, including the Government Accountability Office, the SSA Office of the Inspector General, the National Academy of Sciences and the Social Security Advisory Board, along with advocates for beneficiaries, continue to raise serious concerns about the SSA's administration of the program.