

110TH CONGRESS
2D SESSION

H. R. 5833

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. DEFAZIO introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PAYMENT OF FEES AND COSTS TO THE ATTOR-**
4 **NEY IN CERTAIN SOCIAL SECURITY ACT**
5 **CLAIMS.**

6 Section 2412 of title 28, United States Code, is
7 amended by adding at the end the following:

1 “(g) In a civil action brought under section 205(g)
2 of the Social Security Act (42 U.S.C. 405(g)) in which
3 a prevailing party other than the United States is rep-
4 resented by an attorney, any costs and fees awarded under
5 this section to such prevailing party—

6 “(1) shall be paid directly to the attorney rep-
7 resenting the prevailing party; and

8 “(2) shall not be subject to offset under section
9 3716 of title 31, United States Code, due to a claim
10 of the United States against the prevailing party.”.

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