

116TH CONGRESS 1ST SESSION

H. R. 3905

To amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 23, 2019

Mr. Higgins of New York (for himself, Mr. Grijalva, Ms. Moore, Mrs. Demings, Ms. Garcia of Texas, Mr. Thompson of Mississippi, Mr. Cohen, Ms. Velázquez, Ms. Wild, Mr. Espaillat, Ms. Norton, and Mr. Rose of New York) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, 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. SHORT TITLE.
- 4 This Act may be cited as the "Social Security Admin-
- 5 istration Accountability Act of 2019".

1	SEC. 2. AMENDING SOCIAL SECURITY ADMINISTRATION
2	BUDGETARY MATTERS.
3	(a) Annual Budget.—Section 704(b)(1)(A) of the
4	Social Security Act (42 U.S.C. 904(b)(1)(A)) is amended
5	to read as follows:
6	"(b)(1)(A) The Commissioner shall prepare and sub-
7	mit an annual budget estimate for the Administration di-
8	rectly to the President and Congress.".
9	(b) Contents of Budget.—Section 704(b)(1)(B)
10	of such Act (42 U.S.C. 904(b)(1)(B)) is amended to read
11	as follows:
12	"(B) The Commissioner shall include in the annual
13	budget prepared pursuant to subparagraph (A) the fol-
14	lowing:
15	"(i) The total number of cases pending at each
16	hearing office, listed by hearing office, and an aggre-
17	gate total of all cases pending at all hearing offices.
18	"(ii) The total number of cases pending for over
19	the preceding year at each hearing office, listed by
20	both hearing office and presiding administrative law
21	judge, and an aggregate total of all cases pending
22	for over such year at all hearing offices.
23	"(iii) The average duration of time to process
24	each case at each hearing office, listed by hearing of-
25	fice.

- 1 "(iv) The staffing levels at each hearing office
- and field office, including a listing of job titles, clas-
- 3 sifications, and the number of staff within each title
- 4 and classification.".
- 5 (c) Comprehensive Work Force Plan.—Section
- 6 704(b)(2)(A) of such Act (42 U.S.C. 904(b)(2)(A)) is
- 7 amended by striking "the Commissioner" and inserting
- 8 the following: "the Commissioner, in consultation with rel-
- 9 evant stakeholders including employee organizations rep-
- 10 resenting employees of the Social Security Administration.
- 11 Not later than 90 days before a revision of the comprehen-
- 12 sive work force plan, the Commissioner shall submit the
- 13 document setting forth the revision to the Committee on
- 14 Ways and Means of the House of Representatives and the
- 15 Committee on Finance of the Senate.".
- 16 SEC. 3. CLOSURE OF FIELD OR HEARING OFFICES.
- 17 (a) Moratorium on Closure or Consolidation
- 18 of Field or Hearing Offices or New Limitations
- 19 ON ACCESS TO SUCH OFFICES.—
- 20 (1) In General.—Except as provided in para-
- 21 graph (2), the Commissioner of Social Security shall
- take no action on or after the date of the enactment
- of this Act to close or consolidate field or hearing of-
- 24 fices of the Social Security Administration or to oth-

erwise impose any new limitation on access to such offices.

- (2) Cessation of Moratorium upon report to congress.—Paragraph (1) shall cease to be effective 180 days after the Commissioner submits to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a detailed report outlining and justifying the process for selecting field or hearing offices to be closed or consolidated or otherwise to have limited access. Such report shall include—
 - (A) an analysis of the criteria used for selecting field or hearing offices for closure, consolidation, or limited access;
 - (B) a description of how the Commissioner has analyzed and considered relevant factors, including but not limited to transportation and communication burdens faced by individuals serviced by the offices, including elderly and disabled citizens; and
 - (C) a description of any method of costbenefit analysis applied by the Commissioner in connection with closures and consolidations of field or hearing offices, and other limitations on

1	access to field or hearing offices, including any
2	analysis that takes into account—
3	(i) the anticipated savings resulting
4	from the closure, consolidation, or limita-
5	tion on access;
6	(ii) the anticipated costs associated
7	with replacing services lost by the closure,
8	consolidation, or limitation on access;
9	(iii) the anticipated effects on employ-
10	ees of the offices affected; and
11	(iv) such other relevant factors as
12	may be determined by the Commissioner,
13	including but not limited to transportation
14	and communication burdens faced by indi-
15	viduals serviced by the offices, including el-
16	derly and disabled citizens.
17	(b) Requirements for Future Closures, Con-
18	SOLIDATIONS, AND NEW LIMITATIONS ON ACCESS.—
19	(1) In general.—Section 704 of the Social
20	Security Act (42 U.S.C. 904) is amended by adding
21	at the end the following new subsection:
22	"Field and Hearing Offices
23	"(f)(1) The Commissioner may not close a field or
24	hearing office of the Administration, consolidate two or
25	more such offices, or otherwise impose any new limitation

- 1 on public access to any such office, unless the Commis-
- 2 sioner complies with the requirements of paragraphs (2),
- 3 (3), and (4) in connection with the closure, consolidation,
- 4 or limitation on public access.
- 5 "(2)(A) The requirements of this paragraph are met
- 6 in connection with a closure, consolidation, or new limita-
- 7 tion on access referred to in paragraph (1) only if—
- "(i) not later than 120 days before the date of 8 9 the closure, consolidation, or limitation on access, 10 the Commissioner provides effective public notice of 11 the proposed closure, consolidation, or limitation on 12 access (including, to the extent practicable, notice by 13 direct mailing and through community outlets such 14 as newspapers and posting in heavily frequented 15 public spaces) to individuals residing in the area

serviced by the affected office or offices; and

"(ii) not earlier than 30 days after the issuance of public notice pursuant to clause (i) and not later than 45 days before the date of the proposed closure, consolidation, or limitation on access, the Commissioner conducts at least 2 public hearings (scheduled so that the first and last such hearings are separated by at least 10 days), at which the Commissioner presents the justifications for the closure, consolidation, or limitation on access described in sub-

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1	paragraph (B) and provides for attendees an oppor-
2	tunity to present their views regarding the proposed
3	closure, consolidation, or limitation on access.
4	"(B) The justifications referred to in subparagraph
5	(A)(ii) shall consist of the following:
6	"(i) an analysis of the criteria used for selecting
7	the field or hearing office or offices for closure, con-
8	solidation, or limited access;
9	"(ii) a description of how the Commissioner has
10	analyzed and considered relevant factors, including
11	but not limited to transportation and communication
12	burdens faced by individuals serviced by the offices,
13	including elderly and disabled citizens; and
14	"(iii) a description of a method of cost-benefit
15	analysis which shall be applied by the Commissioner
16	in connection with the closure, consolidation, or limi-
17	tation on access, and which shall take into ac-
18	count—
19	"(I) the anticipated savings resulting from
20	the closure, consolidation, or limitation on ac-
21	cess;
22	"(II) the anticipated costs associated with
23	replacing services lost by the closure, consolida-
24	tion, or limitation on access;

1	"(III) the anticipated effects on employees
2	of the offices affected; and
3	"(IV) such other relevant factors as may
4	be determined by the Commissioner, including
5	but not limited to transportation and commu-
6	nication burdens faced by individuals serviced
7	by the offices, including elderly and disabled
8	citizens.
9	"(C) The notice provided pursuant to subparagraph
10	(A)(i) shall include notice of the time and place of the
11	public hearings to be conducted pursuant to clause (A)(ii)
12	and of the right of aggrieved individuals to appeal to the
13	Commissioner regarding the proposed closure, consolida-
14	tion, or limitation on access pursuant to paragraph (4).
15	"(3) The requirements of this paragraph are met in
16	connection with a closure, consolidation, or limitation on
17	access referred to in paragraph (1) only if, not later than
18	30 days before the date of the proposed closure, consolida-
19	tion, or limitation on access, the Commissioner submits
20	to the Committee on Ways and Means of the House of
21	Representatives, the Committee on Finance of the Senate,
22	and each Member of the Congress representing a State
23	or congressional district in which the affected office or of-
24	fices are located a detailed final report in support of the

closure, consolidation, or limitation on access. Such report 2 shall include— 3 "(A) the justifications described in paragraph 4 (2)(B), (including any amendments made to such 5 justifications after the public hearings conducted 6 pursuant to paragraph (2)(A); "(B) any findings made by the Commissioner 7 8 pursuant to the public hearings; 9 "(C) the status of any appeals regarding the closure, consolidation, or new limitation on access 10 11 which were commenced pursuant to paragraph (4) 12 before the date of the report; 13 "(D) the final decision of the Commissioner re-14 garding the closure, consolidation, or new limitation 15 on access; and "(E) such other information as the Commis-16 17 sioner considers relevant. 18 "(4)(A) Upon timely request by any individual who makes a showing in writing described in subparagraph (B) 19 in connection with a proposed closure, consolidation, or 21 limitation on access referred to in subparagraph (A), the Commissioner shall give such individual an opportunity for a hearing with respect to the closure, consolidation, or limitation on access. The request for the hearing shall be considered timely only if it is made not later than 30 days

- 1 before the proposed date of the closure, consolidation, or
- 2 limitation on access. The Commissioner shall submit to
- 3 the Committee on Ways and Means of the House of Rep-
- 4 resentatives, the Committee on Finance of the Senate, and
- 5 each Member of the Congress representing a State or con-
- 6 gressional district in which the affected office or offices
- 7 are located the Commissioner's findings based on the
- 8 hearing and a description of any action taken or to be
- 9 taken by the Commissioner on the basis of such findings.
- 10 "(B) A showing described in subparagraph (A) shall
- 11 consist of a showing that—
- "(i) the determination of the Commissioner to
- 13 close a field or hearing office, consolidate field or
- hearing offices, or impose a new limitation on access
- to a field or hearing office is arbitrary, capricious,
- an abuse of discretion, not in accordance with law,
- or not based on substantial evidence; or
- 18 "(ii) the Commissioner has failed to observe
- procedures required by law in connection with the
- closure, consolidation, or new limitation on access.".
- 21 (2) Effective date.—The amendment made
- by paragraph (1) of this subsection shall apply with
- respect to closures and consolidations of field or
- hearing offices and impositions of new limitations on
- access to such offices occurring after the cessation

- 1 of the moratorium under subsection (a) of this sec-
- 2 tion.

3 SEC. 4. GAO STUDY ON DISABILITY HEARINGS.

- 4 Not later than one year after the date of enactment
- 5 of this Act, the Comptroller General of the United States
- 6 shall submit to Congress a report that describes the aver-
- 7 age length of time after a request for review of an initial
- 8 adverse determination with respect to an application for
- 9 a disability insurance benefit under title II of the Social
- 10 Security Act has been made until a final decision is issued
- 11 with respect to such application.

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