

115TH CONGRESS
2D SESSION

H. R. 5431

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

APRIL 5, 2018

Mr. HIGGINS 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 2018”.

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
2 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
22 take no action on or after the date of the enactment
23 of this Act to close or consolidate field or hearing of-
24 fices of the Social Security Administration or to oth-

1 erwise impose any new limitation on access to such
2 offices.

3 (2) CESSATION OF MORATORIUM UPON REPORT
4 TO CONGRESS.—Paragraph (1) shall cease to be ef-
5 fective 180 days after the Commissioner submits to
6 the Committee on Ways and Means of the House of
7 Representatives and the Committee on Finance of
8 the Senate a detailed report outlining and justifying
9 the process for selecting field or hearing offices to be
10 closed or consolidated or otherwise to have limited
11 access. Such report shall include—

12 (A) an analysis of the criteria used for se-
13 lecting field or hearing offices for closure, con-
14 solidation, or limited access;

15 (B) a description of how the Commissioner
16 has analyzed and considered relevant factors,
17 including but not limited to transportation and
18 communication burdens faced by individuals
19 serviced by the offices, including elderly and
20 disabled citizens; and

21 (C) a description of any method of cost-
22 benefit analysis applied by the Commissioner in
23 connection with closures and consolidations of
24 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—

8 “(i) not later than 120 days before the date of
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
16 serviced by the affected office or offices; and

17 “(ii) not earlier than 30 days after the issuance
18 of public notice pursuant to clause (i) and not later
19 than 45 days before the date of the proposed clo-
20 sure, consolidation, or limitation on access, the Com-
21 missioner conducts at least 2 public hearings (sched-
22 uled so that the first and last such hearings are sep-
23 arated by at least 10 days), at which the Commis-
24 sioner presents the justifications for the closure, con-
25 solidation, or limitation on access described in sub-

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

1 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));

7 “(B) any findings made by the Commissioner
8 pursuant to the public hearings;

9 “(C) the status of any appeals regarding the
10 closure, consolidation, or new limitation on access
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

16 “(E) such other information as the Commis-
17 sioner considers relevant.

18 “(4)(A) Upon timely request by any individual who
19 makes a showing in writing described in subparagraph (B)
20 in connection with a proposed closure, consolidation, or
21 limitation on access referred to in subparagraph (A), the
22 Commissioner shall give such individual an opportunity for
23 a hearing with respect to the closure, consolidation, or lim-
24 itation on access. The request for the hearing shall be con-
25 sidered 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—

12 “(i) the determination of the Commissioner to
13 close a field or hearing office, consolidate field or
14 hearing offices, or impose a new limitation on access
15 to a field or hearing office is arbitrary, capricious,
16 an abuse of discretion, not in accordance with law,
17 or not based on substantial evidence; or

18 “(ii) the Commissioner has failed to observe
19 procedures required by law in connection with the
20 closure, consolidation, or new limitation on access.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) of this subsection shall apply with
23 respect to closures and consolidations of field or
24 hearing offices and impositions of new limitations on
25 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 January 1, 2019, the Comptroller
5 General of the United States shall submit to Congress a
6 report that describes the average length of time after a
7 request for review of an initial adverse determination with
8 respect to an application for a disability insurance benefit
9 under title II of the Social Security Act has been made
10 until a final decision is issued with respect to such applica-
11 tion.

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