

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  
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 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.

○