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June 9, 2010

The Honorable Tom Harkin  
Chairman  
Subcommittee on Labor, Health and Human Services,  
Education and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Thad Cochran  
Ranking Member  
Subcommittee on Labor, Health and Human Services,  
Education and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Cochran:

Re: FY 2011 Funding for the Social Security Administration

On behalf of the American Bar Association, I write to urge your Subcommittee to provide no less than the President's Budget Request of \$12.528 billion for the Social Security Administration for FY 2011. This figure includes \$12.379 billion for SSA's Limitation on Administrative Expenses (LAE) account in the FY 2011 Labor-HHS-Education appropriations legislation.

If approved by Congress, the \$12.528 billion level of funding, among other things, would allow SSA to continue its efforts to reduce the number of Social Security disability hearings pending before an Administrative Law Judge. Due to inadequate funding for SSA during much of the previous decade, the backlog of pending hearings before the agency's ALJs became crippling. By December 2008, more than 768,000 claimants were awaiting a hearing before an ALJ.

We greatly appreciate that, beginning in FY 2008, Congress provided increased funding each year that has enabled SSA to reduce the disability hearings backlog. Since the beginning of FY 2009, the number of cases

pending before ALJs has dropped to fewer than 700,000 cases. The average processing time for that stage of the appeals process also dropped in March 2010 to 437 days from an average high of 532 days in August 2008. However, because of a steep increase in new disability claims due to the economic downturn and aging baby boomers, SSA needs increased administrative funding so it can continue to make progress in reducing the backlog in appeals hearings before an ALJ. For the initial success to continue, SSA must be funded at least at the level requested in the President's Budget for FY 2011.

The ABA has a long-standing interest in the SSA's disability benefits decision-making process and has worked actively for over two decades to promote increased efficiency and fairness in this system. The ABA's Section of Administrative Law and Regulatory Practice, the Judicial Division, and the Commission on Law and Aging developed a wide-ranging body of recommendations on the disability adjudication process. The goals of these ABA recommendations are to improve the quality of decision-making, increase fairness and efficiency for claimants, help alleviate the backlog, encourage clarity in communications with claimants, promote procedural due process protections, and seek the application of appropriate, consistent legal standards at all stages of the adjudication process. However, SSA needs sufficient funding to carry out these goals.

We urge your Subcommittee to appropriate the level of funding requested by the President to ensure that the SSA does the job that the American people and their elected representatives expect it to do.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman

cc. Members, Subcommittee on Labor, Health and Human Services, Education and Related Agencies