June 16, 2008

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 Arlen Specter
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 Specter,

On behalf of the American Bar Association (ABA) and its more than 400,000 members nationwide, I write to urge your Subcommittee to provide no less than $240 million above the President’s Budget Request for the Social Security Administration’s administrative expenses in the Fiscal Year 2009 Appropriations bill to permit the agency to address the severe decline in services to the public and the crippling backlog of disability claims.

The ABA has a long-standing interest in the SSA’s disability benefits decision-making process, and we have worked actively for over two decades to promote increased efficiency and fairness in this system. As a diverse organization representing the legal profession in the United States, the ABA has been able to draw upon the considerable expertise of its membership - claimants’ representatives, administrative law judges, academicians and agency staff - to develop a wide-ranging body of recommendations on the disability adjudication process. The Section of Administrative Law and Regulatory Practice, the Judicial Division and the Commission on Law and Aging have worked to develop our ABA recommendations, the goals of which 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.

The President’s FY 2009 budget for SSA represents a step toward reducing the backlog and improving services to the public, but it is inadequate to provide mandated services in a timely
manner and promptly and fairly to adjudicate applications for disability insurance and supplemental security income benefits. As Commissioner Astrue testified at April 23rd hearings before the House Committee on Ways and Means, “increases in personnel and infrastructure costs alone for the fiscal year that starts this October will be at least $400 million.” The President’s budget is insufficient to maintain an adequate number of administrative law judges and support staff and to continue to reduce the backlog, and does not address the inadequate levels of service provided to the public in SSA field offices and customer service centers. We urge your Subcommittee to go beyond the President’s proposal and appropriate funds to ensure that the agency does the job that the American people and their elected representatives expect it to do.

The ABA urges Congress to provide SSA with sufficient administrative funding to continue to reduce the significant backlog of initial claims and appeals of disability cases and to reverse crippling cuts in services to the public. Only by providing a sustained level of administrative funding will Congress enable the agency to perform its mandated services in a timely manner; to promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits; to overcome significant disability claims processing times and backlogs; and to build the infrastructure necessary to manage the significant workload challenges presented by serving the aging baby boomers filing disability and retirement claims.

Sincerely,

Thomas M. Susman
Director

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