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,

Thomas M. Susman

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