

The National Council of Social Security Management Associations, Inc.
GREYSTONE GROUP WASHINGTON REPORT
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Title: Challenges Facing the SSA after over 5 Years of Acting Commissioners

By: U.S. House of Representatives, Subcommittee on Social Security

Date: March 7, 2018

Link: <https://waysandmeans.house.gov/event/hearing-lacking-leadership-challenges-facing-ssa-5-years-acting-commissioners/>

Hearing Background:

On Wednesday, March 7, 2018, the Subcommittee on Social Security held a hearing titled, “Lacking a Leader: Challenges Facing the SSA after over 5 Years of Acting Commissioners.” The hearing focused on the need for a Senate-confirmed Commissioner to lead the Social Security Administration (SSA), the challenges and limitations faced by SSA when it is led by an Acting Commissioner, and the legal framework that governs a vacancy at SSA.

Members of Congress Attending the Hearing:

Chairman Sam Johnson (R-TX-3)

Rep. Mike Kelly (R-PA-3)

Rep. George Holding (R-NC-2)

Rep. Tom Rice (R-SC-7)

Rep. David Schweikert (R-AZ-6)

Ranking Member John B. Larson (D-CT-1)

Rep. Bill Pascrell, Jr. (D-NJ-9)

Rep. Joseph Crowley (D-NY-14)

Subcommittee on Social Security Chairman Sam Johnson (R-TX-3) Opening Statement:

<https://waysandmeans.house.gov/johnson-opening-statement-hearing-challenges-facing-ssa-5-years-acting-commissioners/>

Subcommittee on Social Security Ranking Member John B. Larson (D-CT-1) Opening Statement:

<https://democrats-waysandmeans.house.gov/media-center/press-releases/larson-opening-statement-social-security-subcommittee-hearing-challenges>

Witnesses and Their Statements:

Elizabeth Curda

Director, Education, Workforce, and Income Security, Government Accountability Office

[Testimony](#)

Valerie Brannon

Legislative Attorney, Congressional Research Service

[Testimony](#)

Max Richtman
President and CEO, National Committee to Preserve Social Security and Medicare
[Testimony \(Truth in Testimony\)](#)

Max Stier
President and CEO, Partnership for Public Service
[Testimony \(Truth in Testimony\)](#)

Summary and Impressions of Hearing:

Although the focus of the hearing was on the challenges facing SSA after more than five years under the leadership of a series of Acting Commissioners and the legal framework governing a vacancy at SSA, there was a significant amount of discussion related to SSA's funding levels and resource needs. Both Max Richtman from the National Committee to Preserve Social Security and Medicare (NCPSSM) and several Members of Congress raised concerns about SSA's funding levels, infrastructure needs and declining service delivery levels during the relatively brief (approximately 75 minutes) hearing.

From this viewer's perspective, the hearing served a dual purpose and was timely given the yet unresolved Fiscal Year (FY) 2018 funding for SSA. While the hearing was intended to draw attention to the need for an Administration-nominated and Senate-confirmed Commissioner to lead SSA, both the testimony and the question and answer section of the hearing drew attention to inadequate SSA funding and resulting declines in field office resources and service levels. The inconsistencies between the statutes governing a vacancy at SSA, specifically the differences between the Federal Vacancies Reform Act of 1998, which generally bars acting agency chiefs from serving in the post for more than 210 days, and Section 702 of the Social Security Act, were discussed, but no resolution other than "there are complicated statutes that cover this vacancy," was achieved.

While not understating the need for the nomination and confirmation of an SSA Commissioner, it was raised repeatedly, in particular by Max Richtman, NCPSSM, that SSA needs funding.

Also of interest to readers may be the names of individuals offered by Ranking Member John B. Larson (D-CT-1) as possible nominees for SSA Commissioner including: Former House Ways and Means Committee Chairman Bill Archer (R-TX); Nancy Altman, President of Social Security Works and member of the Social Security Advisory Board; Max Richtman, NCPSSM; Former Subcommittee on Social Security Chairman and Ranking Member Earl Pomeroy (D-ND); and Barbara Kennelly (D-CT), whose career includes serving in the House of Representatives, as President of NCPSSM and on the Social Security Advisory Board.

Richtman emphasized the recommendation made by NCPSSM, "that funds made available in the recently-enacted budget agreement provide SSA with at least an additional \$560 million over the FY 2017 SSA appropriated level of \$12.482 billion." This recommendation is consistent with that made by NCSSMA in our March 2, 2018, letter to House Labor-HHS Appropriations Subcommittee Chairman Tom Cole and Ranking Member Rosa DeLauro.

The testimony and comments offered by Max Stier, President and CEO, the Partnership for Public Service, while broader in focus in addressing not just SSA, but the broken system regarding nominations across the federal government was also of interest. Stier drew attention to the fact that acting officials and the limitations associated with their service, were of note not just from the perspective of the three positions at SSA requiring advice and consent of the Senate, but also relative to the overall number of acting officials currently serving at SSA, including at the regional level. Stier also made some timely observations regarding SSA's workforce

including that only 4.3 percent of the agency's workforce is under 30, and that SSA's Information Technology (IT) workforce is also aging.

During the course of the hearing, Rep. Bill Pascrell, Jr. (D-NJ-9) devoted a significant amount of his time to raise a number of issues of concern to the field including: mentioned closure of 64 field offices; 605-day wait time for hearings (nationwide); 668-day wait time for hearings in Newark; almost 703-day wait time in Jersey City; and in South Jersey the 739-day wait time, one of the worst in the nation. Rep. Pascrell also mentioned that there is often talk about responsibility to veterans, but what about our responsibility to seniors, and that this is not a Republican problem, and not a Democrat problem, but OUR problem.

In an exchange with Max Richtman, Rep. David Schweikert (R-AZ-6) noted that while there are problems related to SSA's budget, IT, service delivery, etc. there is actually a CRISIS related to entitlement spending (Social Security, Medicare). At one point this exchange was somewhat heated and Rep. Schweikert asked Richtman if there was, "Anything wrong in what I said?" Richtman did not disagree with Rep. Schweikert, but he did expand on the statement from the Representative by indicating that what is wrong is also the payroll tax (amount), and that part of the answer to the crisis is looking at ways to bring more money into the program (Social Security).

Rep. Joseph Crowley (D-NY-14) also devoted a significant amount of his time to address SSA's resources needs, including reference to the 700-day wait time in the Queens Bronx Hearing Office. Of note, Rep. Crowley has been a strong supporter of resources for SSA, including a January 2018 letter to President Trump and a letter to House appropriators recently circulated for signature by Members of Congress, both advocating for adequate funding for SSA.

Discussion of SSA's IT needs was also included throughout several exchanges and reference was made to the 66 systems currently in use at the agency, including 6 systems identified as "major," and the heavy reliance on COBOL. Another interesting figure referenced by Elizabeth Curda, GAO, was that SSA spent \$1.8 billion in a year on IT, divided into two categories: \$1.1 billion for operation and maintenance of legacy systems and \$.7 billion on development. Rep. Mike Kelly (R-PA-3) did mention DCPS in the context of SSA's IT expenditures and referenced the fact that hundreds of millions of dollars had been spent, all of the (project) deadlines had been missed, and the agency had overspent.

Although there does not appear to be a nomination for Commissioner of the Social Security Administration in the immediate future, the agency-wide announcement from Nancy Berryhill on March 7, 2018, indicated that she would continue to lead SSA from her position of record, Deputy Commissioner of Operations. We will continue to monitor the proceedings of the Subcommittee on Social Security and any resulting actions related to this latest hearing. We will keep NCSSMA members updated on any additional developments.

Related Articles:

Congress: Lack of leadership put SSA on 'autopilot' for too long

<https://federalnewsradio.com/agency-oversight/2018/03/congress-lack-of-leadership-put-ssa-on-autopilot-for-too-long/>

GAO: SSA chief has been 'acting' too long

<https://fcw.com/articles/2018/03/09/ssa-gao-vacancies-act.aspx>

Lawmakers On Both Sides of Aisle Ramp Up Pressure for Permanent SSA Leader

http://www.govexec.com/oversight/2018/03/lawmakers-both-sides-aisle-ramp-pressure-permanent-ssa-leader/146484/?oref=govexec_today_nl

Lawmakers press president for SSA nominee

https://federalsoup.com/articles/2018/03/07/lawmakers-press-president-for-ssa-nominee.aspx?s=FD_080318

Neal, Larson, and Davis Call for Social Security Funding Boost to Reduce Wait Times and Backlogs

<https://democrats-waysandmeans.house.gov/media-center/press-releases/neal-larson-and-davis-call-social-security-funding-boost-reduce-wait>

Role of Social Security acting chief violated law after Nov. 17, president told

https://www.washingtonpost.com/news/powerpost/wp/2018/03/07/role-of-social-security-acting-chief-violated-law-after-nov-17-president-told/?utm_term=.9754fac979eb

Social Security budget cuts lead to declining customer service

<http://www.investmentnews.com/article/20180312/BLOG05/180319990/social-security-budget-cuts-lead-to-declining-customer-service>

Social Security is now headless because of Trump's inaction. Will other agencies be decapitated?

https://www.washingtonpost.com/news/powerpost/wp/2018/03/12/social-security-now-headless-because-of-trumps-inaction-will-others-agencies-be-decapitated/?utm_term=.032743c21d9d

Watchdog: Social Security acting head hasn't been authorized to serve for months

<http://thehill.com/homenews/administration/377765-social-security-acting-head-hasnt-been-authorized-to-serve-since-nov>

NCSSMA TWITTER UPDATE!

We are pleased to announce NCSSMA now has a Twitter account and we encourage you to join in and follow us! You can view and follow our page on your **home computer** at <http://twitter.com/NCSSMAORG> or your **personal mobile device** at <https://mobile.twitter.com/NCSSMAORG>.

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