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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051

<http://oversight.house.gov>

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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "Social Security Administration Oversight: Examining the Integrity of the Disability Determination Appeals Process, Part II" June 11, 2014

Ms. Colvin, thank you for being here today. You have a difficult job. As the Acting Commissioner of Social Security, you are the steward of the disability insurance program, which is a critical lifeline for people who become disabled and can no longer work.

American workers contribute to this program out of their paychecks. They need and deserve to have a disability insurance program that gives them fair and timely hearings based on medical evidence if they become disabled and unable to work.

I know you are working hard to get it right. The majority of the Social Security Administration's 60,000 employees—including 1,500 administrative law judges—are doing the same. Many of them are my constituents. They tell me themselves how hard they are working to provide the services that Americans count on.

And the fact is your efforts are working. Over the last decade, the Social Security Administration has significantly improved its efforts to collect and analyze data about judges' decisions. It has expanded training, improved performance, sharpened disciplinary procedures, and enhanced efforts to combat fraud.

Yesterday, we heard from a handful of administrative law judges who fail to meet agency standards for conduct and professional judgment. These judges are outliers who do not reflect the good work of the majority of administrative law judges.

The evidence shows that the agency is committed to protecting the qualified decisional independence of the judge corps. That commitment is fundamental to ensuring the integrity of the program and the rights of American citizens.

But the evidence also shows that you are dealing with judges who go beyond judicial independence and ignore the policies established by the agency.

In fact, you are now pursuing the removal of judges with the Merit Systems Protection Board when such actions were unheard of a decade ago.

It is in all of our interests to get this right. We have a responsibility not just to highlight problems, but to correct them when they are identified. And that is why the spotlight should also shine on this body.

Our investigation shows that Congress failed to adequately fund program integrity efforts that would curb abuses. Congress failed to provide the resources needed by the Inspector General to combat fraud. And Congress failed to provide the resources needed to provide timely access to disability hearings.

Mr. Chairman, I would like to enter into the record an article from the *Baltimore Sun* reporting that residents in my district are waiting up to 17 months for hearings.

We heard testimony during our investigation that some people waited so long for their hearings that they died waiting. That is an outrage. And that is one grave cost of austerity.

Mr. Chairman, it's time to put our money where our mouth is. Is Congress going to invest in the integrity of the disability insurance program? Is Congress going to adequately fund anti-fraud units in all 50 states? Is Congress going to appropriate sufficient resources to eliminate these backlogs?

In my opinion, that is what we have to do, and that is what we must do.

Contact: Jennifer Hoffman, Communications Director, (202) 226-5181.