

May 12, 2016

**Opening Statement of Senator Heidi Heitkamp,
Ranking Member, Homeland Security and Governmental Affairs Committee
Subcommittee on Regulatory Affairs and Federal Management**

“Examining Due Process in Administrative Hearings”

Thank you Mr. Chairman. Over several decades, Congress has held dozens of hearings about the Social Security Administration and its management of retirement and disability benefits. This oversight is important since traditional Social Security and Social Security Disability are critical programs that impact people all across the nation, and in North Dakota.

Since I took office in 2013, hundreds of North Dakotans have asked me for help navigating Social Security programs. It works out to about five new cases every single month. Many of these individuals are seeking help with an appeal of a disability claim. Others find themselves subject to overpayments or caught in some other type of bureaucratic struggle. Nationwide, there are over 1 million people awaiting a decision or hearing by the Social Security Administration. These millions of individuals find themselves caught up in bureaucracy, struggling to find the correct path forward – whether it is submitting the correct medical proof or understanding the disability program rules. It is critical that keep those people in mind as we proceed today.

Our interest today in the big and complicated subject of Social Security is relatively narrow. We want to learn more about the Social Security Administration’s proposal to shift certain non-disability appeals away from the realm of Administrative Law Judge hearings, to proceedings presided over by Administrative Appeals Judges and Attorney Examiners within the agency’s Appeals Council. This proposed action has raised serious concerns about whether the change will accomplish what the Social Security Administration hopes to achieve; and, most importantly, the impact this policy will have on the thousands of Americans seeking appeals of agency decisions. I look forward today to better understanding the differences between ALJs and Attorney Examiners, as well as the challenges the Social Security Administration faces in managing competing needs and challenges. I want to fully understand the rationale for this change, and, most importantly, get clarity on how claimant due process will be affected if the plan is implemented.

Those who are familiar with the work of this subcommittee know that we are interested in improving the efficiency, transparency and effectiveness of our federal government. This hearing provides an opportunity to discuss how this proposal meets those standards, while ensuring the integrity and fidelity of administrative appeal hearings and decisions. Finally, given the centrality of the Administrative Procedure Act in so much of this subcommittee’s work, I welcome testimony that illuminates how and why the independence conferred upon ALJs by that seminal law should be preserved or enhanced. Thank you again. I look forward to the testimony of the witnesses.