

107TH CONGRESS
2^D SESSION

H. R. 4932

To amend the Social Security Act to establish an Office of Administrative Law Judges in the Social Security Administration.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2002

Mr. GEKAS introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Social Security Act to establish an Office of Administrative Law Judges in the Social Security Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Administrative Law
5 Process Enhancement Act of 2002”.

6 **SEC. 2. SOCIAL SECURITY ADMINISTRATION OFFICE OF AD-**
7 **MINISTRATIVE LAW JUDGES.**

8 Title VII of the Social Security Act is amended by
9 inserting after section 705 (42 U.S.C. 906) the following
10 new section:

1 “OFFICE OF ADMINISTRATIVE LAW JUDGES

2 “SEC. 706. (a)(1) An Office of Administrative Law
3 Judges (hereinafter in this section referred to as the ‘Of-
4 fice’) is established in the Social Security Administration.
5 Adjudication functions in the Social Security Administra-
6 tion relating to hearings before an administrative law
7 judge shall be conducted in the Office.

8 “(b) The head of the Office shall be the Chief Admin-
9 istrative Law Judge, who shall report directly to the Com-
10 missioner.

11 “(c) The Chief Administrative Law Judge shall be
12 responsible for taking personnel actions regarding admin-
13 istrative law judges, including assignment and removal of
14 such judges, in accordance with the provisions of sections
15 1305, 3105, 3344, 4301(2)(E), 5335(a)(B), 5372, and
16 7521 of title 5, United States Code.

17 “(d)(1) The Chief Administrative Law Judge shall be
18 appointed by the Commissioner for a term of 6 years and
19 may be reappointed for a second term. The Chief Adminis-
20 trative Law Judge may serve until the appointment of a
21 qualified successor. To be eligible for appointment as
22 Chief Administrative Law Judge, an individual shall have
23 expertise in administrative law and have completed not
24 less than 5 years of employment as an administrative law
25 judge in the Social Security Administration.

1 “(2) The Chief Administrative Law Judge may be re-
2 moved by the Commissioner as provided in section 7521
3 of title 5, United States Code, for inefficiency, ineligibility,
4 neglect of duty, malfeasance in office, or nonfeasance in
5 office, and for no other cause. Removal from the position
6 of Chief Administrative Law Judge shall not be considered
7 removal as an administrative law judge employed by the
8 Social Security Administration.

9 “(3) If the Chief Administrative Law Judge resigns,
10 is removed from office, or ceases to act, the Commissioner
11 shall appoint a successor to serve the remainder of the
12 term.

13 “(4) At the end of the term of service as Chief Ad-
14 ministrative Law Judge, the Chief Administrative Law
15 Judge may return to employment as an administrative law
16 judge employed by the Social Security Administration.

17 “(5) The Commissioner shall initially appoint an ad-
18 ministrative law judge to fill the position of Chief Adminis-
19 trative Law Judge under this section not later than 6
20 months after the date of the enactment of this section.

21 “(6) Until the Chief Administrative Law Judge is ap-
22 pointed pursuant to this section, the incumbent Chief Ad-
23 ministrative Law Judge may serve until his or her suc-
24 cessor is appointed.

1 “(e) The Chief Administrative Judge shall be com-
2 pensated at the rate of AL-1 as provided in section
3 5372(b)(1) of title 5, United States Code.

4 “(f) The Commissioner, through separate accounting,
5 shall provide the Office and its personnel with necessary
6 office facilities, supplies, support services, and related ex-
7 penses to carry out the functions of the Office. For fiscal
8 years after fiscal year 2003, the budget for the Office shall
9 be submitted separately from the other budget categories
10 of the Social Security Administration.

11 “(g) The Commissioner shall appoint as many admin-
12 istrative law judges as are necessary to carry out adminis-
13 trative law judge proceedings required to be conducted by
14 the Social Security Administration in accordance with the
15 provisions of section 3105 of such title 5.”.

16 **SEC. 3. EFFECTIVE DATE.**

17 This Act and the amendment made by this Act shall
18 take effect on the date that is 180 days after the date
19 of the enactment of this Act.

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