

Collins, Cantwell Introduce Bipartisan Bill Protecting Independence of Administrative Law Judges

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Washington, D.C. – U.S. Senators Susan Collins (R-ME) and Maria Cantwell (D-WA) introduced bipartisan legislation to protect the impartiality and independence of the nation’s administrative law judges. The *ALJ Competitive Service Restoration Act* ensures that these judges are selected for their qualifications and competence.

“Administrative law judges are tasked with making important decisions every day; they are intensely vetted and put through a competitive application process before being hired,” **said Senator Collins**. “Our bipartisan legislation would ensure that administrative law judges remain well qualified and impartial so that this crucial process remains nonpartisan and fair.”

“Administrative law judges perform very important roles for Social Security and Medicare benefit cases, and it’s essential that they remain independent and not politically influenced in making decisions,” **Senator Cantwell said**. “These judges work on enormously important issues. They should be knowledgeable about the subject area they’re overseeing and without any conflict of interest.”

Traditionally, each federal agency has hired its own administrative law judges from a list of qualified candidates provided by the Office of Personnel Management (OPM). However, a July 2018 executive order reclassified administrative law judges, allowing for them to be selected on the basis of their political views rather than by their qualifications, merit, and independence. Administrative law judges serve until they are removed or choose to leave the agency.

"The Association of Administrative Law Judges thank Senators Cantwell and Collins for sponsoring this critical legislation," **said Judge Melissa McIntosh, the President of the Association of Administrative Law Judges**. "The majority of all ALJs in the federal sector work at the Social Security Administration and are represented by our Association. We are deeply committed to ensuring the due process rights of American citizens. This legislation preserves the independence of ALJs by restoring the rigorous and competitive selection of judges based solely on merit. Political influence has no place in our hearing rooms."

The *ALJ Competitive Service Restoration Act* restores administrative law judges to the “competitive service” – a classification of federal civil service based on a fair and equal performance examination administered by OPM. This competitive process ensures that administrative law judges are selected on their qualifications and competence, unlike political appointees who aren’t subject to the same criteria.

Like courtroom judges, administrative law judges hold hearings, find facts, and render decisions in entitlement, regulatory, and enforcement cases. Also like courtroom judges, they need to be highly qualified, impartial, independent, and free from political bias. There are 1,900 administrative law judges across the government's independent agencies and executive departments. These judges approve license applications and hear cases involving everything from stock fraud claims to whether people are entitled to benefits such as Social Security, Medicare, and worker's compensation.

The *ALJ Competitive Service Restoration Act* also codifies the Supreme Court's 2018 decision in *Lucia v. SEC* that the final appointment of an administrative law judge be made by an agency head and not by lower agency officials, adding that this appointment can be made only from a list provided by OPM or with the approval of OPM. Companion legislation has been introduced in the U.S. House of Representatives by U.S. Representative Elijah Cummings (D-MD 7th).