

Bob Joondeph, Chair
Nancy J. Altman, Member
Jagadeesh Gokhale, Member
Amy Shuart, Member

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September 6, 2023

Ron Wyden, Chair
Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

Mike Crapo, Ranking Member
Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Wyden and Ranking Member Crapo,

We write to urge the Committee to swiftly consider the nomination of Governor Martin O'Malley to be Commissioner of Social Security. In addition, we recommend Congress amend the Social Security Act to state that the Commissioner of Social Security once again serves at the pleasure of the President.

The Commissioner of Social Security has had a fixed six-year term since March 31, 1995, as a result of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296), which restored the agency to its original status as an independent agency.¹ Before the passage of the Act, when SSA was housed within the Department of Health and Human Services, the Commissioner served at the pleasure of the President. As a compromise during the conference process, the House and Senate conferees agreed to a six-year term for the Social Security Commissioner. This compromise reflected the Senate's desire for a Commissioner, with the House's six-year terms of a three-person Board.²

Since March 31, 1995, SSA has had 12 Commissioners.³ Only two (Commissioners Barnhart and Astrue) served nearly the full six-year term. In the absence of a Senate-confirmed Commissioner, an Acting Commissioner is named. In the past decade, SSA has had an Acting Commissioner for eight

¹ Rita L. DiSimone, "[SSA Created as an Independent Agency: Public Law 103-296](#)," *Social Security Bulletin* 58, no. 1 (Spring 1995); Social Security Independence and Program Improvements Act of 1994, [Pub. L. No. 103-296](#) (August 15, 1994).

² See "Conference Comparison of H.R. 4277" (June 13, 1994) in SSA, "[Social Security Independence and Program Improvements Act of 1994, Reports Bills, Debates, and Acts](#)," Volume 2, Section IV.C.

³ DiSimone, "[SSA Created as an Independent Agency](#)," 1995.

years. Our assessment is that after nearly 30 years, the six-year term for the Commissioner has not been successful.

This is a critical moment for SSA. SSA needs the authority that a Senate-confirmed Commissioner provides.⁴

If you have any questions or would like to discuss our recommendations further, please contact Claire Green, Staff Director of the Social Security Advisory Board, at claire.green@ssab.gov to schedule a meeting with the Board.

Sincerely,

Bob Joondeph
Bob Joondeph

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⁴ House Committee on Ways and Means, “Testimony of Max Stier, President and CEO, Partnership for Public Service,” [Lacking a Leader: Challenges Facing the SSA After Over 5 Years of Acting Commissioners](#), March 7, 2018.