

**Statement of Robert C. Bobby Scott, Ranking Member
Committee on Education and the Workforce
H. Res. 996: A rule to consider H.R. 6147**

AS PREPARED FOR DELIVERY

Thank you, Mr. McGovern.

M_____ Speaker,

Federal administrative law judges, commonly known as ALJs, decide over 1 million cases per year covering everything from appeals of Social Security Disability and Medicare claims to disputes over black lung benefits and securities law violations.

These are cases that can touch virtually all of our constituents.

On July 10th, President Trump issued an Executive Order that will undermine the quality and independence of ALJs and the impartiality of decisions they render. It does so by changing the hiring standards for judges. The current strict standards guarantee ALJs are fully qualified to serve. The executive order will replace those standards with a far more lenient system that would allow ALJs to be hired based on ideology or cronyism, rather than experience and competence.

This Executive Order – titled Excepting Administrative Law Judges from the Competitive Service – will open the door for the politicization of a professional that plays a defining role in the lives of millions of American families.

Representatives Elijah Cummings, David Cicilline, John Larson, and I filed an amendment to defund the Executive Order and preserve the impartiality, independence, and competence of administrative law judges.

Unfortunately, the Majority on the Rules Committee has refused to allow Members of Congress to vote on – or even debate – our amendment.

The long-standing hiring standards for ALJs were designed to guarantee the legitimacy of their decisions. ALJs were required to have seven years of trial-level experience as an attorney and successfully complete a six-part examination. To insulate judicial decision-making from agency political pressure, the examination was conducted by the Office of Personnel Management, which maintained a list of the highest-scoring applicants from which agencies then select.

All of that was jettisoned by President Trump's Executive Order, which removes ALJs from the competitive service. Now, the only requirements are that an ALJ must be a lawyer in good standing.

This Executive Order is strongly opposed by a broad spectrum of organizations.

The Federal Administrative Law Judge Conference, a non-partisan voluntary professional association, warns:

Now, any agency that wants to hire an ALJ needs no approval from OPM and can hire any attorney regardless of skill or experience. The new appointment process will not afford members of the public the due process and fair hearings they deserve. Instead, it will give agency insiders and political loyalists a job for which they may not be qualified but for which they will feel indebted.

The Association of Administrative Law Judges, which represents over 1,600 ALJs at the Social Security Administration, states that the:

President's order ...will politicize our courts, lead to cronyism, and replace independent and impartial adjudicators with those who do the bidding of political appointees.

The American Association for Justice writes:

It is important for all cases overseen by ALJs to have a neutral ALJ handling the case, not someone who may be beholden to a particular political party, hostile to a particular agency or program, or otherwise politically motivated in their decision-making.

The American Bar Association writes:

By giving agency heads sole discretion to hire ALJs who will be making determinations affirming or overturning decisions rendered by that agency, the EO has the potential to politicize the appointment process and interfere with the decisional independence of ALJs.

Nothing less than the integrity of the administrative judiciary is at issue here. That is why it is critical that Members of Congress have an opportunity to participate in the debate and help formulate a solution. The first step is to halt implementation of the EO.

M____ Speaker, I would like to submit letters from those four organizations into the record.

Unfortunately, by refusing to allow this amendment to come to the Floor, the Majority is denying Members the opportunity to have an important public debate.

Rather than avoiding this issue, the Majority should be standing up for a just and impartial review process. Rather than refusing to allow a vote on this amendment, the Majority should be joining us in holding the administration to account, especially when it has engaged in a clear-cut case of executive branch overreach.

I am disappointed by the Majority's opposition to considering an issue that affects so many constituents across the country. I urge Members to oppose the rule.

I yield back.