

Social Security Administration (SSA): FY2023 Annual Limitation on Administrative Expenses (LAE) Appropriation: In Brief

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Contents

Introduction	1
Background on SSA	1
Overview of the Annual LAE Appropriation	1
FY2023 Budget Requests for the Annual LAE	2
Commissioner of Social Security (COSS)	2
President	2
FY2023 Congressional Proposals for the Annual LAE	3
House	3
Senate	3
FY2023 Enacted Appropriation for the Annual LAE	4
Comparison and Historical Tables	4

Tables

Table 1. Comparison of the Total Annual LAE Appropriation, FY2022-FY2023	5
Table 2. Comparison of the Components of the Annual LAE Appropriation, FY2022- FY2023	5
Table 3. Enacted Annual LAE Appropriation, by Component, FY2009-FY2023	7

Contacts

Author Information	8
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Introduction

This report provides a brief overview of the Social Security Administration's (SSA's) annual Limitation on Administrative Expenses (LAE) appropriation for FY2023. It provides links to relevant agency, Administration, congressional, and other resources. The dollar changes and percentage changes discussed in the text are based on actual, unrounded amounts.

Background on SSA

SSA is an independent agency in the executive branch headed by the commissioner of Social Security (COSS). SSA employs about 57,000 federal workers across its more than 1,500 offices and supports about 14,500 state personnel who conduct disability determinations on SSA's behalf.¹ SSA is responsible for administering the nation's primary income support programs for older adults and individuals with disabilities: Social Security and Supplemental Security Income (SSI). SSA is also responsible for supporting the administration of a number of non-SSA programs and laws, such as Medicare, and provides and verifies data for a variety of purposes. For more information on SSA, see the following resources:

- CRS Report R47097, *Social Security Administration (SSA): Trends in the Annual Limitation on Administrative Expenses (LAE) Appropriation Through FY2021*, "Administrative Responsibilities."
- CRS Report R47086, *Social Security Policy Resources for Congressional Staff*.
- SSA, *Annual Statistical Supplement, 2022*, "Social Security (Old-Age, Survivors, and Disability Insurance): Structure and Organization" and "SSA Resources and Operations," <https://www.ssa.gov/policy/docs/statcomps/supplement/>.

Overview of the Annual LAE Appropriation

Benefit payments for SSA's programs are considered mandatory spending, which is not controlled by annual appropriations acts.² However, the resources to carry out SSA's programs, as well as to support the administration of Medicare and other priorities, are generally considered discretionary spending and thus are controlled by appropriations acts. Nearly all of SSA's administrative expenses are funded by appropriations to its LAE account, and almost all of the funding for the LAE account is provided each year as part of the annual appropriations process.

SSA's annual LAE appropriation is a discretionary lump-sum appropriation composed of funds from the Social Security and Medicare trust funds for their respective shares of administrative expenses, the Department of the Treasury's general fund for SSI's share of administrative expenses, and certain user fees. The legislative text of SSA's annual LAE appropriation typically consists of four paragraphs. The first paragraph provides funding for what this report refers to as the *main LAE*, which funds the base LAE and certain dedicated program integrity (PI) activities. The *base LAE*, which is equal to the main LAE less total dedicated PI funding, constitutes the bulk of SSA's discretionary administrative funding. The second paragraph specifies the amount of the main LAE in the first paragraph that is dedicated to certain PI activities, such as continuing disability reviews and SSI nonmedical redeterminations.

¹ SSA, *Agency Financial Report for FY2022*, November 2022, p. 9, <https://www.ssa.gov/finance/>.

² See CRS Report R46468, *A Brief Overview of the Congressional Budget Process*.

The third and fourth paragraphs provide additional funding from a portion of the *user fees* collected for SSA's administration of state supplementary payments (SSPs) under the SSI program and certifications of non-attorney claimant representatives. The amounts specified in this report differ slightly from the amounts in relevant congressional reports, because those reports apply Congressional Budget Office (CBO) adjustments to user fees based on CBO's projection of actual user fee collections. CBO typically projects SSA's actual user fee collections to be less than the amounts authorized in proposals or legislation.

SSA's annual LAE appropriation is traditionally provided under the Related Agencies section of the annual Departments of Labor, Health and Human Services, and Education, and Related Agencies (LHHS) appropriations act. For more information on SSA's annual LAE appropriation and the annual LHHS appropriations act, see the following resources:

- CRS Report R47097, *Social Security Administration (SSA): Trends in the Annual Limitation on Administrative Expenses (LAE) Appropriation Through FY2021*, "Overview of the LAE Account and the Annual LAE Appropriation."
- SSA, *Justification of Estimates for Appropriations Committees, Fiscal Year 2023*, "Budget Overview," <https://www.ssa.gov/budget/>.
- CRS Report R47345, *Labor, Health and Human Services, and Education: FY2023 Appropriations*.

FY2023 Budget Requests for the Annual LAE

Commissioner of Social Security (COSS)

The Social Security Act requires the COSS to prepare an independent budget and the President to submit it to Congress, without revision, together with the President's budget. The FY2023 COSS's budget request for SSA's total annual LAE appropriation was \$15.353 billion, an increase of \$2.011 billion (+15.1%) compared to the FY2022 enacted level. (The COSS's budget request included in the President's budget does not break out the components of the proposed annual LAE appropriation.) For more information on the FY2023 COSS's budget request, see the last paragraph of SSA's section of the appendix to the FY2023 President's budget:

- U.S. Office of Management and Budget (OMB), *Appendix, Budget of the United States Government, Fiscal Year 2023*, "Commissioner's Budget," p. 1213, <https://www.govinfo.gov/content/pkg/BUDGET-2023-APP/pdf/BUDGET-2023-APP.pdf#page=1217>.

President

The FY2023 President's budget request for the total annual LAE appropriation was \$14.773 billion, an increase of \$1.431 billion (+10.7%) compared to the FY2022 enacted level. The FY2023 total included \$12.833 billion in base LAE funding, \$141 million in total user fees, and \$1.799 billion in total dedicated PI funding for certain activities. For more information, see the resources below:

- OMB, *Appendix, Budget of the United States Government, Fiscal Year 2023*, pp. 1212-1213, <https://www.govinfo.gov/content/pkg/BUDGET-2023-APP/pdf/BUDGET-2023-APP-1-29.pdf#page=8>.

- OMB, *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2022*, Chapter 6. Budget Concepts, “Program Integrity: Social Security,” pp. 122-123, <https://www.govinfo.gov/content/pkg/BUDGET-2023-PER/pdf/BUDGET-2023-PER.pdf#page=123>.
- SSA, *Justification of Estimates for Appropriations Committees, Fiscal Year 2023*, “Limitation on Administrative Expenses,” p. 85 (document page 118), <https://www.ssa.gov/budget/FY23Files/FY23-JEAC.pdf#page=118>.

FY2023 Congressional Proposals for the Annual LAE

House

The House Appropriations Committee reported its LHHS bill to the House on July 5, 2022 (H.R. 8295; H.Rept. 117-403). The FY2023 House committee bill proposed \$14.442 billion for the total annual LAE appropriation, an increase of \$1.100 billion (+8.2%) compared to the FY2022 enacted level. The FY2023 total included \$12.502 billion in base LAE funding and the same amounts as the FY2023 President’s budget for total user fees and total dedicated PI funding. For more information, see the resources below:

- LAE section of H.R. 8295, pp. 191-194, <https://www.congress.gov/117/bills/hr8295/BILLS-117hr8295rh.pdf#page=191>.
- H.Rept. 117-403 (amounts in the report reflect CBO adjustments to user fees):
 - LAE section of report write-up, pp. 316-320, <https://www.congress.gov/117/crpt/hrpt403/CRPT-117hrpt403.pdf#page=320>,
 - LAE section of detailed table, pp. 852-853, <https://www.congress.gov/117/crpt/hrpt403/CRPT-117hrpt403.pdf#page=856>.

Senate

The Senate Appropriations Committee released a draft FY2023 LHHS bill and accompanying report on July 28, 2022, and the chair of the Senate Appropriations LHHS Subcommittee introduced the bill (S. 4659) on July 28, 2022, which specified the same amounts for the annual LAE appropriation as the draft bill.³ The draft FY2023 Senate committee bill proposed \$14.244 billion for the total annual LAE appropriation, an increase of \$902 million (+6.8%) compared to the FY2022 enacted level. The FY2023 total included \$12.319 billion in base LAE funding, \$141 million in total user fees, and \$1.784 billion in total dedicated PI funding, which was \$15 million less than the amount for total dedicated PI funding in the FY2023 President’s budget. For more information, see the resources below:

- LAE section of draft Senate bill, pp. 198-201, <https://www.appropriations.senate.gov/imo/media/doc/LHHSFY2023.PDF#page=198>.
- LAE section of S. 4659, pp. 197-200, <https://www.congress.gov/117/bills/s4659/BILLS-117s4659is.pdf#page=197>.

³ U.S. Congress, Senate Committee on Appropriations, “Chairman Leahy Releases Fiscal Year 2023 Senate Appropriations Bills,” July 28, 2022, <https://www.appropriations.senate.gov/news/majority/breaking-chairman-leahy-releases-fiscal-year-2023-senate-appropriations-bills>.

- Draft Senate report (amounts in the report reflect CBO adjustments to user fees):
 - LAE section of report write-up, pp. 308-311, <https://www.appropriations.senate.gov/imo/media/doc/LHHSFY23REPT.pdf#page=308>,
 - LAE section of detailed table, pp. 431-432, <https://www.appropriations.senate.gov/imo/media/doc/LHHSFY23REPT.pdf#page=431>.

FY2023 Enacted Appropriation for the Annual LAE

The Consolidated Appropriations Act, 2023 (H.R. 2617 and P.L. 117-328), which included the FY2023 LHHS appropriations act (Division H), was signed into law on December 29, 2022.⁴ It provided \$14.127 billion for the FY2023 total annual LAE appropriation, which was \$785 million (+5.9%) more than the FY2022 enacted level. The FY2023 total included \$12.202 billion in base LAE funding, \$141 million in total user fees, and \$1.784 billion in total dedicated PI funding, which was \$15 million less than the amount for total dedicated PI funding in the FY2023 President's budget. For more information, see the resources below:

- LAE section of H.R. 2617, pp. 447-448, <https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf#page=447>.
- Joint explanatory statement (amounts reflect CBO adjustments to user fees):
 - LAE section of write-up, *Congressional Record*, daily edition, vol. 168, no. 198, Book II (December 20, 2022), p. S8899, <https://www.congress.gov/117/crec/2022/12/20/168/198/CREC-2022-12-20-pt2-PgS8553-2.pdf#page=347>,
 - LAE section of detailed table, *Congressional Record*, daily edition, vol. 168, no. 198, Book II (December 20, 2022), pp. S9187-S9188, <https://www.congress.gov/117/crec/2022/12/20/168/198/CREC-2022-12-20-pt2-PgS8553-2.pdf#page=635>.
- SSA, *Fiscal Year 2023 Operating Plan*, February 10, 2023, <https://www.ssa.gov/budget/assets/materials/2023/2023OP.pdf>.

Comparison and Historical Tables

This section provides comparison data on full-year proposed and enacted levels for the LAE account for FY2023 (excluding continuing resolutions), as well as historical data on enacted levels for the LAE account.⁵

⁴ SSA's LAE account for FY2023 was initially funded under a series of continuing resolutions (CRs). The first CR (Division A of P.L. 117-180) provided the LAE account with a total funding rate for operations of \$13.742 billion, an increase of \$400 million (+3.0%) compared to the FY2022 enacted level. The specific amount of funding provided to the LAE account was prorated to reflect the duration of the first CR (see CRS Report R47283, *Overview of Continuing Appropriations for FY2023 (Division A of P.L. 117-180)*). This total funding rate for operations was continued under the second CR (Division A of P.L. 117-229) and the third CR (Division A of P.L. 117-264).

⁵ See footnote 4 for enacted CRs for FY2023. On September 2, 2022, the White House issued a funding priority request for inclusion in a short-term CR for FY2023. Among other things, the request proposed that SSA's LAE account be funded for the duration of the FY2023 CR at a total rate for operations of \$14.142 billion, an increase of \$800 million (+6.0%) compared to the FY2022 enacted level. See White House, *FY 2023 Continuing Resolution (CR) Appropriations Issues*, p. 23, https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf#page=23.

Table 1 compares the *total* annual LAE appropriation (including the COSS’s request) for the FY2023 proposed and enacted levels and the FY2022 enacted level.

Table 1. Comparison of the Total Annual LAE Appropriation, FY2022-FY2023

(in Thousands of Nominal Dollars)

Total Annual LAE	FY2022 Enacted	FY2023 COSS's Budget	FY2023 President's Budget	FY2023 House Cmte.	Draft FY2023 Senate Cmte.	FY2023 Enacted
Dollar Amount	\$13,341,945	\$15,353,000	\$14,773,300	\$14,441,945	\$14,244,014	\$14,126,978
Dollar Difference Relative to FY2022 Enacted	—	+\$2,011,055	+\$1,431,355	+\$1,100,000	+\$902,069	+\$785,033
Percentage Change Relative to FY2022 Enacted	—	+15.1%	+10.7%	+8.2%	+6.8%	+5.9%

Source: CRS, based on the materials presented in this report.

Notes: “—” = not applicable. Cmte. = Committee. The dollar and percentage changes are based on unrounded amounts. The amounts in this table differ slightly from the amounts in relevant congressional reports because those reports apply CBO adjustments to user fees based on CBO’s projection of actual user fee collections.

Table 2 compares the *components* of the annual LAE appropriation (excluding the COSS’s request) for the FY2023 proposed and enacted levels and the FY2022 enacted level. The total annual LAE is equal to the main LAE component *plus* the SSI SSP user fees component *plus* the non-attorney user fees component. The base LAE, total dedicated PI, base PI, and adjustment PI components are labeled “non-add” because they are included in the main LAE component and thus are not added to the total annual LAE.

Table 2. Comparison of the Components of the Annual LAE Appropriation, FY2022-FY2023

(in Thousands of Nominal Dollars)

Component	FY2022 Enacted	FY2023 President's Budget	FY2023 House Cmte.	Draft FY2023 Senate Cmte.	FY2023 Enacted
<i>Dollar Amount (in Thousands)</i>					
Main LAE	\$13,202,945	\$14,632,300	\$14,300,945	\$14,103,014	\$13,985,978
Base LAE (non-add)	\$11,494,945	\$12,833,300	\$12,501,945	\$12,319,014	\$12,201,978
Total Dedicated PI (non-add)	\$1,708,000	\$1,799,000	\$1,799,000	\$1,784,000	\$1,784,000
Base PI (non-add)	\$273,000	\$288,000	\$288,000	\$273,000	\$273,000
Adjustment PI (non-add)	\$1,435,000	\$1,511,000	\$1,511,000	\$1,511,000	\$1,511,000
SSI SSP User Fees	\$138,000	\$140,000	\$140,000	\$140,000	\$140,000
Non-Attorney User Fees	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Total Annual LAE	\$13,341,945	\$14,773,300	\$14,441,945	\$14,244,014	\$14,126,978
<i>Dollar Difference Relative to FY2022 Enacted (in Thousands)</i>					
Main LAE	—	+\$1,429,355	+\$1,098,000	+\$900,069	+\$783,033
Base LAE (non-add)	—	+\$1,338,355	+\$1,007,000	+\$824,069	+\$707,033
Total Dedicated PI (non-add)	—	+\$91,000	+\$91,000	+\$76,000	+\$76,000

Component	FY2022 Enacted	FY2023 President's Budget	FY2023 House Cmte.	Draft FY2023 Senate Cmte.	FY2023 Enacted
Base PI (non-add)	—	+\$15,000	+\$15,000	\$0	\$0
Adjustment PI (non-add)	—	+\$76,000	+\$76,000	+\$76,000	+\$76,000
SSI SSP User Fees	—	+\$2,000	+\$2,000	+\$2,000	+\$2,000
Non-Attorney User Fees	—	\$0	\$0	\$0	\$0
Total Annual LAE	—	+\$1,431,355	+\$1,100,000	+\$902,069	+\$785,033
Percentage Change Relative to FY2022 Enacted					
Main LAE	—	+10.8%	+8.3%	+6.8%	+5.9%
Base LAE (non-add)	—	+11.6%	+8.8%	+7.2%	+6.2%
Total Dedicated PI (non-add)	—	+5.3%	+5.3%	+4.4%	+4.4%
Base PI (non-add)	—	+5.5%	+5.5%	0.0%	0.0%
Adjustment PI (non-add)	—	+5.3%	+5.3%	+5.3%	+5.3%
SSI SSP User Fees	—	+1.4%	+1.4%	+1.4%	+1.4%
Non-Attorney User Fees	—	0.0%	0.0%	0.0%	0.0%
Total Annual LAE	—	+10.7%	+8.2%	+6.8%	+5.9%

Source: CRS, based on the materials presented in this report.

Notes: “—” = not applicable. Cmte. = Committee. PI = program integrity. SSI = Supplemental Security Income. SSP = state supplementary payment. The dollar changes and percentage changes are based on unrounded amounts. Components may not sum to totals due to rounding. “Non-add” amounts are displayed for clarification purposes; these amounts are not added to the totals. The FY2023 COSS’s request is not shown because the President’s budget does not break out the components of the COSS’s request. The amounts in this table differ slightly from the amounts in relevant congressional reports because those reports apply CBO adjustments to user fees based on CBO’s projection of actual user fee collections.

Table 3 compares the enacted levels for the annual LAE appropriation for FY2009-FY2023 by component. The table starts with FY2009 because no dedicated PI funding was provided for FY2003-FY2008. The total annual LAE is equal to the main LAE component *plus* the SSI SSP user fees component *plus* the non-attorney user fees component. The base LAE, total dedicated PI, base PI, and adjustment PI components are labeled “non-add” because they are included in the main LAE component and thus are not added to the total annual LAE.

Table 3. Enacted Annual LAE Appropriation, by Component, FY2009-FY2023

(in Millions of Nominal Dollars)

Component	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
Main LAE	\$10,307.5	\$11,285.5	\$11,238.0	\$11,291.6	\$10,884.2	\$11,525.0	\$11,680.9	\$12,024.9	\$12,357.9	\$12,753.9
Base LAE (non-add)	\$9,803.5	\$10,527.5	\$10,481.5	\$10,535.5	\$10,141.6	\$10,328.0	\$10,284.9	\$10,598.9	\$10,538.9	\$11,018.9
Total Dedicated PI (non-add)	\$504.0	\$758.0	\$756.5	\$756.1	\$742.6	\$1,197.0	\$1,396.0	\$1,426.0	\$1,819.0	\$1,735.0
Base PI (non-add)	\$264.0	\$273.0	\$272.5	\$273.5	\$272.0	\$273.0	\$273.0	\$273.0	\$273.0	\$273.0
Adjustment PI (non-add)	\$240.0	\$485.0	\$484.0	\$482.6	\$470.6	\$924.0	\$1,123.0	\$1,153.0	\$1,546.0	\$1,462.0
SSI SSP User Fees	\$145.0	\$160.0	\$185.6	\$160.7	\$160.4	\$171.0	\$124.0	\$136.0	\$123.0	\$118.0
Non-Attorney User Fees	\$1.0	\$1.0	\$0.0	\$1.0	\$0.9	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0
Total Annual LAE	\$10,453.5	\$11,446.5	\$11,423.6	\$11,453.3	\$11,045.6	\$11,697.0	\$11,805.9	\$12,161.9	\$12,481.9	\$12,872.9
Component	FY2019	FY2020	FY2021	FY2022	FY2023					
Main LAE	\$12,741.9	\$12,739.9	\$12,794.9	\$13,202.9	\$13,986.0					
Base LAE (non-add)	\$11,058.9	\$11,157.9	\$11,219.9	\$11,494.9	\$12,202.0					
Total Dedicated PI (non-add)	\$1,683.0	\$1,582.0	\$1,575.0	\$1,708.0	\$1,784.0					
Base PI (non-add)	\$273.0	\$273.0	\$273.0	\$273.0	\$273.0					
Adjustment PI (non-add)	\$1,410.0	\$1,309.0	\$1,302.0	\$1,435.0	\$1,511.0					
SSI SSP User Fees	\$134.0	\$130.0	\$135.0	\$138.0	\$140.0					
Non-Attorney User Fees	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0					
Total Annual LAE	\$12,876.9	\$12,870.9	\$12,930.9	\$13,341.9	\$14,127.0					

Source: CRS, based on applicable annual LHHS appropriations acts and applicable annual SSA operating plans.

Notes: PI = program integrity. SSI = Supplemental Security Income. SSP = state supplementary payment. Components may not sum to totals due to rounding. Amounts reflect new budget authority provided by the annual LAE appropriation only and include reductions due to sequestration and most rescissions. Amounts for certain components are adjusted from those in applicable annual LHHS appropriations acts and SSA's congressional budget justification for purposes of consistent presentation. "Non-add" amounts are displayed for clarification purposes; these amounts are not added to the totals. The table starts with FY2009 because no dedicated PI funding was provided for FY2003-FY2008. The table does not reflect CBO adjustments to user fees based on CBO's projection of actual user fee collections.

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