

Questions for the Record for Sharon Beth Lewis

U.S. Senate Committee on Finance

**“A Hearing to Consider the Nominations of Corey Anne Tellez, Andrew G. Biggs,
Kathryn Rose Lang, and Sharon Beth Lewis”**

January 31, 2024

Senator Cassidy

1. SSA Operational Concerns

Thanks to each of you for choosing to serve the American people, and for your willingness to help us better understand what is going on at SSA. You all have deep, distinguished, and unique policy backgrounds that will greatly benefit the Board’s work.

My first question to you, however, is not focused on policy. In fact, what many of us need here in Congress is a better operational understanding of what is going on at SSA. There are many think tanks, research organizations, and other groups that already do a good job informing us on SSA policy matters. In general, what we need from the SSAB is reports and recommendations on important operational matters, including:

- **initial disability claims backlog**
- **field office & 800 number wait times**
- **overpayments**
- **electronic systems modernization**
- **outdated dictionary of occupational titles**
- **poor employee morale – *lowest in the entire federal government***
- **lack of performance metrics provided to Congress by SSA**

***Question: (All)* With this in mind, can each of you describe how your background can help Congress better understand the current serious operational issues facing SSA?**

In developing reports and recommendations on operational matters, if confirmed to the SSAB, I would draw upon my leadership experience at HHS in the Administration for Community Living (ACL), as well as my work with large state agencies across the country and my experience in serving as staff to Congressional committees. Each of the complex issues noted here deserve SSAB’s time and attention; my background considering research and data, while working with a wide range of stakeholders to understand how public agencies can best deliver exceptional customer service, is particularly relevant to these concerns and the opportunities for improvement.

In terms of employee morale, I believe the vast majority of people who serve in federal agencies have chosen this path because of their passion and commitment to serve. At ACL, as a newly-established division bringing together staff from several different federal departments, one of our priorities was developing and maintaining positive employee morale. We frequently engaged with staff at multiple levels of the organization, both locally and across the country, to understand both the reasons staff came to do the work (the “why” motivating that commitment) and the challenges employees face. We worked together to make sure team members’ contributions were effective and valued, and collaboratively sought to address barriers to success. I hope, if confirmed, to use this experience in working with Commissioner O’Malley and his leadership team to better understand the root causes affecting employee morale at SSA, and assist with recommendations to SSA and Congress for positive change.

I am particularly concerned with the lack of performance metrics provided to Congress by SSA. Agency leadership regularly come to the Hill to ask for more funding, justifying this by providing only output data. This reminds me of the signs you used to see in front of a McDonalds: “*Millions and Millions Served*”. Millions may have eaten there, but was the food acceptable?

***Question: (All)* How can the SSAB help Congress access and understand historical performance data from SSA? For example, how can we find out the “cost per retirement claim” over, let’s say, the last 20 years?**

While I am not an expert in SSA performance metrics and the barriers the agency may face in delivering historical data, if I am confirmed to the SSAB, I will work with my fellow Board members to better understand the challenges and how they might be addressed to provide the information Congress needs.

As part of prepping for a hearing, like every one of my colleagues here, I asked my staff to speak with SSA policy leaders, researchers, and past senior staff at the Agency. In this case, we asked them their thoughts on how useful the SSAB has been to the Agency, to Congress and the Administration, and the American people. *The responses we received were decidedly mixed.* Some wonder if the SSAB should even exist in its current structure, or if its structure is even constitutional in light of recent court decisions.

As part of my work on this Committee, my staff and I have interacted extensively with MedPAC, the Medicare Payment Advisory Commission. It is supposed to serve a somewhat similar role to the SSAB, to advise Congress on issues related to the Medicare program, and its work has been very useful to many of us on this Committee and across Congress. The resources given to MedPAC, are similar to that given to the SSAB, yet SSAB does not seem to have been as useful to Congress and the American people.

Question: (All) How can the SSAB better serve its primary customers: Congress, the Administration, SSA, and the American people. Should we look at reforming the structure of the SSAB? If so, what would you recommend?

As an Advisory Board with bipartisan membership, it is critical that the SSAB continue to operate on a consensus basis. I believe the SSAB has been most effective when it has had a full complement of members, holds public meetings and roundtables drawing on a wide range of perspectives and data, supports expert technical panels, uses research and stakeholder engagement to identify opportunities for improvements, and from these efforts develops consensus-based actionable recommendations for Congress, the Administration, and SSA. In recent years, SSAB has often operated with fewer than seven members, yet despite this limitation the Board has issued many important reports with recommendations including topics ranging from work-related overpayments in disability programs, how SSA could use evidence-based measures to improve customer service, ideas to improve the disability determination process, to potential updates to the representative payee program. Additionally, making the work of SSAB more accessible and ensuring complex SSA topics are more understandable to the American people is also critical, in particular under the Board's statutory charge to increase public understanding of the Social Security system.

Senator Grassley

For all nominees to the Social Security Advisory Board:

- 1. One of the responsibilities of the Social Security Advisory Board is to make recommendations to the President and Congress regarding policies that will ensure the solvency of the Social Security trust funds. As you likely know, the Congressional Budget Office estimates that the Social Security trust funds will become insolvent in 2033. It is vital that Congress take action to extend the solvency of Social Security to protect our Seniors hard earned benefits.**

As a member of the Social Security advisory board, how would you help advise Congress as we act to ensure the solvency of Social Security?

Should I be confirmed as a member of the SSAB, I believe one aspect of my role is to work with my fellow Board members to help ensure the extensive body of research and policy development ideas to improve the solvency of Social Security are considered by Congress, along with understanding the potential impacts of any reforms on both current and future retirees, workers, and people with disabilities. Addressing the solvency concerns of Social Security programs will require some combination of increasing revenue available for SSA programs and/or potential reductions in growth of benefits. Regardless of which difficult path Congress takes, the best solution likely requires political compromise and an honest effort to determine how options will affect people across the economic spectrum. As a bipartisan body that operates on a consensus basis, I

hope the SSAB can continue to contribute information and possible solutions to the debate in a way that brings people together.

Aside from the impending Social Security shortfall, what do you believe to be a major challenge facing Social Security, and what should Congress or the President do to address it?

The complexity and frustration people with disabilities (including families of children) face in accessing and maintaining Supplemental Security Income and Social Security Disability Insurance benefits are important issues the Administration and Congress should work to address. The longstanding problems of the disability determination process and backlog, and the difficulties claimants face, undermine the public's trust and confidence in the SSA programs.

The length of time and the extensive process involved in disability determinations leaves economically disadvantaged people without the critical income support they need, often for months and sometimes for years. A [recent SSAB summary](#) of a series of roundtables with policy and program experts discusses a wide range of potential solutions to improve and simplify the disability determination process, involving both administrative actions and potential legislative changes. Some of the promising ideas to better the experiences of claimants include efforts to simplify processes and increase accessibility, clarify questions and language on claim forms to make them more user-friendly, expand acceptable medical sources allowed to provide evidence, improve the quality of consultative examinations, communicate more effectively with claimants throughout the process, and increase access to third-party assistance such as the SAMHSA SSI/SSDI Outreach, Access and Recovery (SOAR) model.

Additionally, SSI needs attention from Congress and the Administration to modernize the program, including reducing complexity and bringing the stringent asset and income limits up to date. The current restrictions, which have been in effect for four decades, limit SSI recipients from accessing enough income to minimally subsist without substantial hardship, and to save more than \$2000. Further, provisions of the law both penalize recipients and demand complicated and expensive processes to administer, including the in-kind support and maintenance requirements, the treatment of married couples' resources, the impact of the lag time involved in monthly fluctuations in employment income resulting in overpayments, and the low income disregard amounts. Updating SSI could not only improve the lives of millions of very-low income people who rely upon this benefit, but could also reduce agency costs in administering the program.

For Sharon Lewis:

- 2. Given that your professional experience has mostly focused on disability policy, please explain how you think Social Security can best be improved to serve those with disabilities.**

For people with disabilities, some of the most critical improvements to Social Security involve addressing the difficulties in the disability determination process and updating the SSI program, as I noted in my response to the prior question. I also think there are other areas of SSA disability policy that warrant attention from the SSAB, including the need to consider changes to the current processes for overpayment waivers and recoupment when a claimant acts in good faith. Further, continuing to look at barriers to participation in SSA work incentives and improving opportunities to engage in competitive integrated employment without fear of losing critical health or long-term services benefits is another issue of particular importance to people with disabilities. In addition, the SSAB could consider the effectiveness of ABLE accounts through an equity lens, assessing how access and participation could be increased for particular subpopulations, which could result in recommendations for improvements as the ABLE program reaches the end of the first decade of implementation.

Senator Scott

For Biggs, Lang, and Lewis:

- 1. One area I'm hoping you can commit to focusing on is the Social Security Administration's (SSA) electronic consent based SSN verification system, also known as the "eCBSV." By enacting my Preventing Children From Identity Theft Act, Congress directed the SSA to build this system so synthetic identity fraud could be detected and prevented in real time. Criminals create a synthetic identity by combining SSNs, names, and dates of birth of multiple people (or fabricating some of that information). A criminal uses this identity to apply for credit, slowly building a credit profile over time, and finally, obtaining a large amount of credit, with no intent to repay. Victims are usually children, as most parents are not checking their child's credit report and their SSNs are rarely used until their late teens. We understand synthetic identity fraud is the fastest growing type of financial crime in the U.S. As the only true owner of SSN information, SSA is integral to stopping this fraud. The eCBSV system allows financial institutions and their service providers to submit a name, SSN, and date of birth to the SSA to see if it is a match or no match to SSA's records. A no match may be a case of synthetic identity fraud. While the system is now up and running, I am concerned about reported cost overruns and SSA's overly aggressive timeline to recover these costs.**
 - a. Will you commit to working with your fellow Board members to help ensure that the SSA's eCBSV is as successful and as cost efficient as possible?**

While this is not an area of expertise for me, I will commit to learning more about eCBSV and to working with other members of the SSAB to identify how this initiative can best fulfill its objectives in the most cost efficient manner, should I be confirmed.

2. Social Security is a vital pillar of the American retirement system. Retirement and disability benefits represent approximately 30% of total income for the median beneficiary household headed by someone age 65 or over; for more than one in ten of such households, Social Security provides at least 90% of income. But the program faces a major financial challenge. Benefits paid out by Social Security are set to far exceed its income from the payroll tax and other sources. Without action by Congress, beneficiaries will face a 23% benefit cut in 2033—just 10 years from now—as the program’s primary trust fund runs dry. Such an outcome would have severe consequences. Addressing this issue is within our realm, but we require an advisory board that is ready to collaborate with us in Congress to develop and improve solutions.

a. Can you share your view on this issue and what are some solutions that you think Congress should look at in addressing this issue?

I believe that addressing the solvency concerns of Social Security programs will require some combination of increasing revenue available for SSA programs and/or potential reductions in growth of benefits. Regardless of which difficult path Congress takes, the best solution likely requires political compromise and an honest effort to determine how options will affect people across the economic spectrum.

b. Given the critical role of Social Security and the imminent financial challenge it faces, could you share your perspective on the potential impact of a 23% benefit cut in 2033 and how the SSAB could contribute to collaborative efforts with Congress to address this issue?

I agree that Social Security is a vital pillar of our country’s retirement and disability systems. Such a significant benefit cut would be devastating to the millions of people who count on it. Should I be confirmed as a member of the SSAB, I believe one aspect of my role is to work with my fellow Board members to help ensure the extensive body of research and policy development ideas to improve the solvency of Social Security are considered by Congress, along with understanding the potential impacts of any reforms on current and future retirees, workers, and people with disabilities. As a bipartisan body that operates on a consensus basis, I hope the SSAB can continue to contribute information and possible solutions to the debate in a way that brings people together.

3. Separate from Social Security’s old-age and disability insurance programs, SSA also administers the Supplemental Security Income (SSI) program, which provides crucial monthly assistance to nearly 8 million older adults, and people with disabilities who have little or no earnings. SSI beneficiaries—40% of whom live in poverty with these benefits—are allowed to have assets of up to \$2,000, or \$3,000 for a couple. These asset limits penalize marriage, work, and saving.

a. In light of the issues related to asset limits affecting marriage, work, and savings for SSI beneficiaries, could you provide insights for potential reforms

or enhancements that might alleviate these challenges and improve the program's effectiveness in assisting individuals with limited or no earnings?

The SSI program's asset limits are outdated, having not been adjusted in forty years. I agree the current resource limits create substantial barriers for beneficiaries to save, penalize marriage, and discourage employment. Additionally, the agency's work of monitoring beneficiaries' bank accounts and personal resources, tracking in-kind support and maintenance, and reviewing income over the very low disregard amounts is complicated and inconsistent, requiring a disproportionate share of SSA resources to administer the program while also creating confusion for beneficiaries and families. Updating the asset limits to align with contemporary financial realities, as well as simplifying aspects of the program that are overly burdensome, would improve the program's effectiveness. Should Congress act to address the asset limits, it is also important to avoid future erosion of the value of the benefits by establishing a mechanism to adjust the resource and income limits through an appropriate index.