



Congress of the United States
House of Representatives
Washington, DC 20515

January 30, 2020

The Honorable Andrew Saul
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21207

Dear Commissioner Saul:

On November 18, 2019, the Social Security Administration (SSA) issued a Notice of Proposed Rulemaking, "Rules Regarding the Frequency and Notice of Continuing Disability Reviews" (84 FR 63588). This unjustified proposal will hurt severely disabled Social Security and Supplemental Security Income (SSI) beneficiaries and we ask that SSA withdraw it immediately. Rather than spending scarce administrative resources conducting unneeded and harmful reviews, SSA should focus its efforts on hiring the personnel needed to answer its phones, assist customers at field offices, eliminate lengthy wait times and backlogs for disability benefits, and generally restore fundamental public service as you have promised to do as Commissioner.

Social Security is a bedrock of our nation's economic security and our middle class. Nearly all workers pay into Social Security and are insured not only for retirement or death, but also in the event of a career-ending disability. People become eligible for Social Security or SSI disability benefits only if they experience long-lasting, severe disabilities that prevent them from supporting themselves through work. The Social Security and SSI disability programs provide eligible individuals and their families with a basic measure of economic security. For many, these benefits can mean the difference between having a roof over their head or being homeless, putting food on the table or going hungry, and being able to fill a prescription or having to go without needed medication.

Congress has required SSA to conduct periodic medical continuing disability reviews (CDRs) for all beneficiaries to ensure the integrity of the Social Security and SSI disability programs. Under a periodic medical CDR, SSA reviews whether a beneficiary's medical impairment(s) have improved sufficiently to enable the person to work and earn at a substantial level. In reality, most beneficiaries see their impairments worsen over time, and very few see their health improve – each year, less than half of one percent of adult Social Security disability beneficiaries have medically improved to the point that SSA terminates benefits.

Congress has also directed SSA to conduct CDRs in ways that are fair and humane, recognizing that CDRs threaten the financial security of beneficiaries and can be extremely difficult for individuals with severe impairments to navigate. For a CDR, beneficiaries must fill out extensive paperwork, submit medical evidence – often at their own cost – and respond in a timely manner to inquiries from SSA. Individuals who are initially notified that SSA intends to terminate their benefits as a result of a CDR must navigate a complex appeals system and may be forced to pay for medical records, examinations, or even legal counsel – costs which most can ill afford. Many beneficiaries require significant supports and accommodations to participate successfully in CDRs, due to impairments such as early-onset dementias that make it difficult to recall recent medical history or physical disabilities that make it difficult for individuals to leave their home. Such individuals may lose benefits they are entitled to simply due to inability to complete the process.

We are deeply concerned that SSA's proposed rule would make significant and unwarranted increases in CDRs, including making reviews more frequent for individuals who are not expected to show medical improvement. As a result, many severely disabled individuals who are unable to navigate a CDR could unjustly lose their Social Security and SSI disability benefits. In fact, SSA estimates that the rule would lead to \$2.6 billion in benefit cutoffs over 10 years.

Our concerns are informed by the past. In the early 1980s, SSA used CDRs aggressively to improperly terminate benefits for hundreds of thousands of Social Security and SSI beneficiaries. Congress received widespread reports of severely disabled constituents whose benefits had nevertheless been cut off, leading to extreme hardships including homelessness, medical crises, and even death. Alarm was raised by the public, governors, the media, and Members of Congress, and numerous class action lawsuits were filed. In 1984, Congress intervened and restored balance to the CDR program by enacting the bipartisan Social Security Disability Benefits Reform Act.

Since the 1984 legislation, SSA has taken a more measured and appropriate approach to CDRs, including by focusing its periodic medical reviews on beneficiaries who are most likely to experience medical improvement. The proposed rule threatens this commonsense balance – and does so without sharing SSA's underlying analysis, presenting evidence sufficient to support more frequent CDRs, or even explaining how many additional beneficiaries would lose eligibility. It would be irresponsible for SSA to make such sweeping and harmful changes to its disability programs without a robust evidence base and without sharing with Congress and the public the data, research, and evidence used to develop the proposed rule.

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In closing, we emphasize that Social Security and SSI beneficiaries with disabilities have severe impairments and typically rely on their benefits to survive from day to day. If eligible individuals lose their benefits, the damage can be irreparable. We urge you to withdraw this harmful and unjustified proposed rule.

Sincerely,



Richard E. Neal
Member of Congress



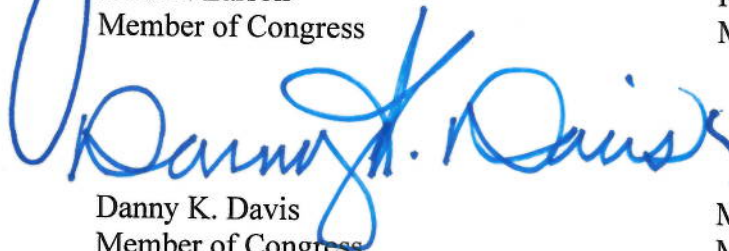
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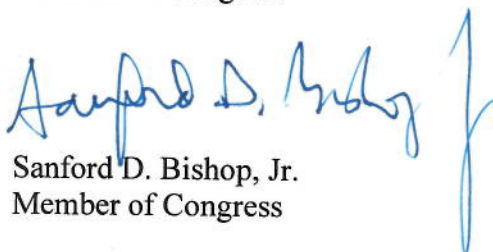
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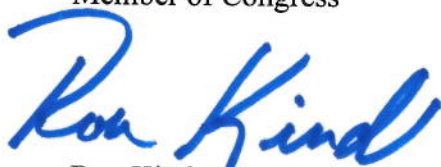
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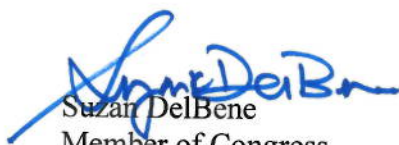
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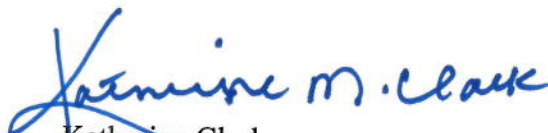
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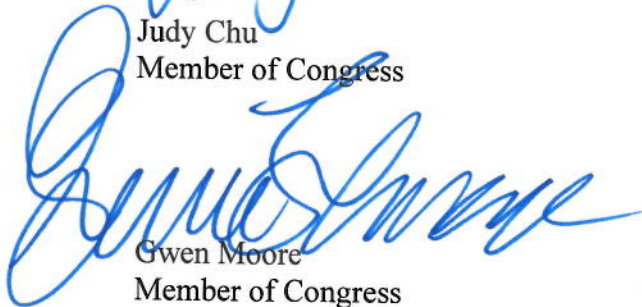
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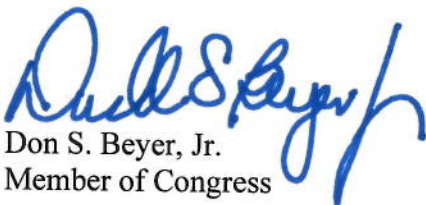
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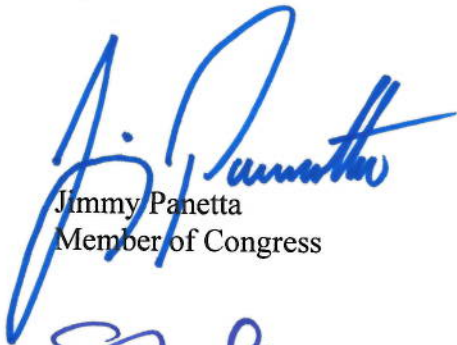
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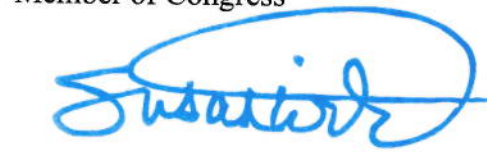

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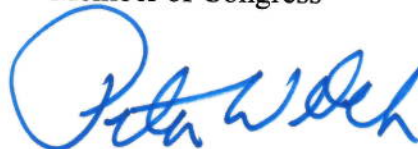
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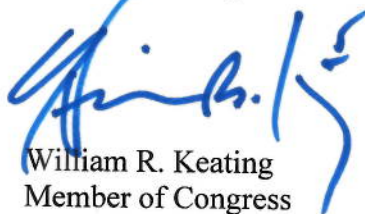
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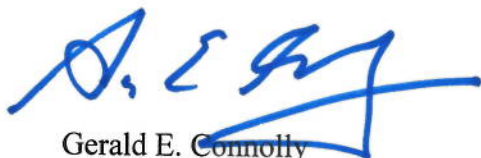
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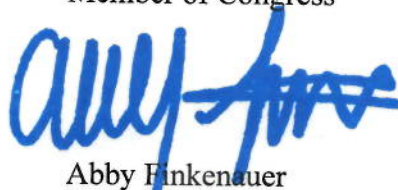
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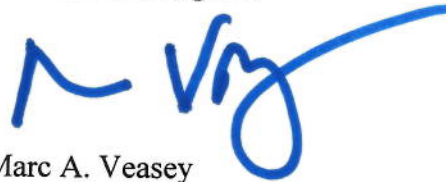
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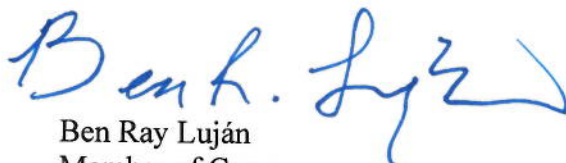
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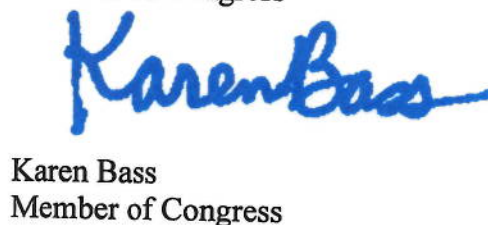
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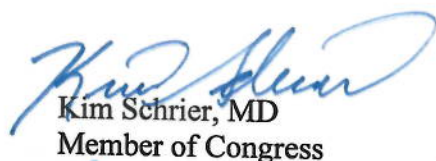
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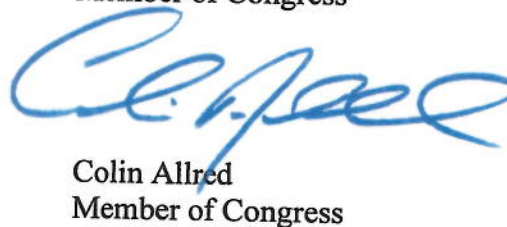
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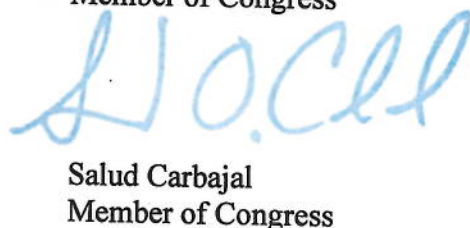
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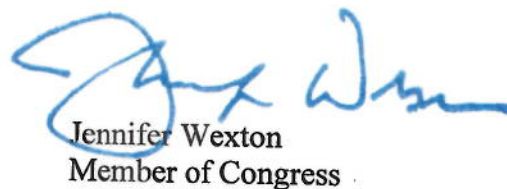
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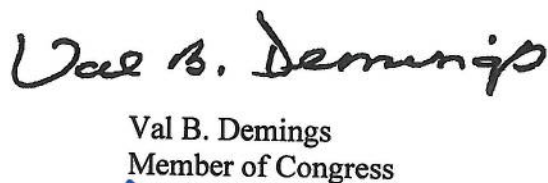
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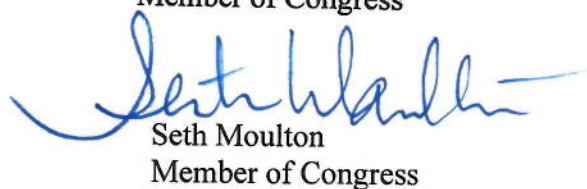
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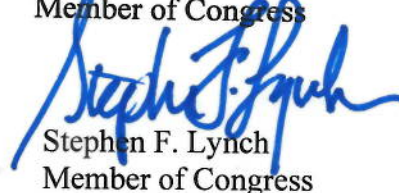
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