

**Committee on Ways and Means
Subcommittee on Social Security**

Hearing on Strengthening Social Security's Customer Service

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Thank you for the opportunity to testify today. My name is Rebecca Vallas, and I am a senior fellow at The Century Foundation, where I lead TCF's Disability Economic Justice Team and serve as co-director of the recently formed Disability Economic Justice Collaborative, which brings together more than thirty leading disability organizations, think tanks, and research organizations to learn from each other, work in partnership, and bring a disability lens across the nation's economic policymaking.¹ The mission of TCF's Disability Economic Justice Team is to advance policy solutions that promote economic security for disabled Americans and their families and remove barriers to economic well-being, independence, and dignity that continue to persist more than three decades after the Americans with Disabilities Act was signed into law.

Today's hearing comes at a critical moment, as the nation continues to rebuild and recover from an unprecedented pandemic that has tested the mettle of America's social insurance infrastructure—while highlighting the importance of ensuring that programs that help people meet their basic needs are accessible when individuals and families need them most.

To put it simply: ***eligibility doesn't equal access***—a lesson I learned in spades during my years as a legal aid attorney representing people with disabilities and seniors facing barriers to accessing critical benefits that they were eligible for but which remained out

¹ For more information on the Disability Economic Justice Collaborative and a full list of members, see dejc.org.

of reach due to complex application paperwork, byzantine processes difficult to navigate without help from a lawyer, and other barriers.

Thus, while most public debate around Social Security and Supplemental Security Income (SSI) generally centers around eligibility for and adequacy of benefits—both of which are themselves critical topics that this Committee has explored on many occasions, with thanks to Chairman Larson for his leadership on the issue of expanding and strengthening Social Security—**delivering on the promises of critical programs such as Social Security and SSI will also require ensuring that eligible individuals and families are able to access SSA’s vital programs in their time of need**, and that SSA is equipped to provide high-quality customer service to claimants and beneficiaries so that people can access lifeline benefits and resolve issues impacting their benefits in a timely manner.

This hearing comes at a particularly critical moment for the disability community in particular, as the COVID-19 pandemic has spurred the largest influx of new entrants to the U.S. disability community in modern history—many of whom will need to turn to supports and services that were already under-resourced and fraying prior to the pandemic. SSA offers a prime example. Since 2010, SSA’s operating budget has fallen by 14 percent after adjusting for inflation, and staffing has dropped by 13 percent—while the need for SSA’s services has increased significantly, as the number of Social Security beneficiaries has grown by 21 percent. SSA was in dire need of a significant boost in administrative funding long before the pandemic, which has obviously only further added to the challenges facing SSA at this difficult time. Now more than ever, Congress must work together to ensure this critical agency has the resources it needs to keep Social Security’s promises to the American people.

I am going to offer three main points today:

- First, ensuring that all eligible Americans—particularly people with disabilities and older adults—can access SSA’s benefits and receive high-quality customer service in a timely manner must be a bipartisan priority for Congress and for SSA;
- Second, this will require ensuring that SSA has adequate resources to administer its critical programs and provide high-quality customer service, after more than a decade of disinvestment in SSA’s administrative funding; and

- And third, there are additional common sense steps SSA and Congress can and should take—including lots of low-hanging fruit—to improve access to SSA’s programs, many of which will also reduce the administrative burden on SSA (and the pressure on field offices) in the process.

Now is the time for Congress and SSA to make a collective commitment to prioritizing SSA’s customer service and to taking the steps necessary to ensure we, our friends, neighbors, loved ones, and fellow community members—and, in particular, people with disabilities and older adults—are all able to access SSA’s critical programs when we need them most.

1. Ensuring that all eligible Americans—particularly people with disabilities and older adults—can access SSA’s benefits and receive high-quality customer service in a timely manner must be a bipartisan priority for Congress and SSA.

Our Social Security system is the bedrock of America’s social insurance infrastructure, and ensuring that all eligible Americans can access the benefits and customer service administered by the Social Security Administration in our time of need—particularly the most marginalized among us, including low-income people with disabilities and older adults—must be a bipartisan priority for Congress and for SSA.

Further underscoring the importance of today’s hearing, new research I spearheaded at The Century Foundation finds that the U.S. disability community is facing an economic crisis that long predates the COVID-19 pandemic.² Due to a litany of structural barriers to economic security, as well as pervasive discrimination that persists more than 31 years after the Americans with Disabilities Act became law, disability remains both a cause and a consequence of poverty in the U.S. well into the 21st century.

Among other troubling findings, my coauthors and I found that disabled people in the U.S. remain twice as likely to live in poverty as their nondisabled counterparts, face food insecurity rates three times higher than people without disabilities, and comprise nearly half of all people who turn to homeless shelters in the U.S. We also found that disabled people of color face even greater economic disparities, due to the compounding effects

² Rebecca Vallas and others, The Century Foundation, “Economic Justice is Disability Justice,” April 2022, <https://tcf.org/content/report/economic-justice-disability-justice/>.

of racism and ableism. For example, 1 in 4 black disabled adults in the U.S. lived in poverty in 2020, compared with 1 in 7 of their white counterparts.

Social Security remains the most important and effective U.S. antipoverty program in effect today, keeping an estimated 22.5 million Americans out of poverty last year,³ and providing a critical economic backstop for millions of disabled people whose disabilities prevent them from supporting themselves through work. Just under 65 million Americans received some type of Social Security benefits in 2021: 55 million received retirement benefits, nearly 6 million received survivors' benefits, and 9.6 million received disability benefits. While modest—for example, the average disabled worker benefit was \$1,143 per month in 2021, not far above the federal poverty line for an individual— Social Security benefits are absolutely vital to the economic well-being of the individuals and families who receive them, often representing the difference between being able to afford basics like safe and stable housing, adequate food to last through the month, and co-pays on needed medications.

And while SSI benefits are even more modest—at just \$841 per month in 2022, SSI benefits are not enough on their own to bring an individual above the federal poverty line—SSI also plays a critical role in blunting the effects of poverty and hardship for nearly 8 million Americans with disabilities and older adults, including more than 1 million disabled children. Importantly, SSI also boosts the incomes of more than 1 million “concurrent beneficiaries,” for whom SSI acts as a supplement to very low monthly Social Security payments. While it is desperately in need of an update, SSI is nonetheless a life-changing program for millions of low-income disabled and older Americans. I represented countless clients during my time in legal aid for whom SSI meant getting off the street and out of homeless shelters, or being able to keep a disabled child at home and with the family instead of needing to send her to an institution to receive care.

Yet, the process of accessing Social Security disability benefits is extraordinarily complex and can be difficult to navigate without help from a lawyer or claimant's representative. Meanwhile, SSDI and SSI's complicated rules often require additional professional help to resolve issues and challenges even after someone has been found eligible for disability benefits. Many claimants and beneficiaries turn to the staff at SSA's field offices and/or the 1-800 number to help them navigate this byzantine system and its array of

³ Kathleen Romig, Center on Budget and Policy Priorities, “Social Security Lifts More People Above the Poverty Line Than Any Other Program,” <https://www.cbpp.org/research/social-security/social-security-lifts-more-people-above-the-poverty-line-than-any-other#:~:text=Social%20Security%20Reduces%20Poverty%20in%20Every%20State&text=Without%20Social%20Security%20the%20poverty%20rate%20for%20those%20aged%2065,roughly%20three%2Dfourths%20of%20states>.

complicated paperwork and rules. While in an ideal system, one wouldn't need a law degree to access disability benefits—this makes the customer service at SSA's field offices and 1-800 phone line even more important and critical to ensure claimants and beneficiaries are able to access lifeline benefits without getting lost in red tape.

In March 2020, at the onset of the pandemic, SSA shifted from operating a nationwide network of field offices that claimants and beneficiaries could walk into to get help with their benefits to providing nearly all of its services online, via phone, or mail. This unprecedented and rapid shift was made even more challenging by a decade-plus of underfunding that has left SSA largely in the 20th century when it comes to technology.

In April 2022, SSA began reopening its field offices. While the reopening of SSA's field offices will hopefully make it possible for more eligible individuals to access needed benefits and to resolve issues and problems with their benefits, an array of significant challenges remain—making this a critical moment to prioritize SSA's customer service.

Key customer service challenges particularly impacting low-income people with disabilities (several of which have already been covered at length by my fellow witnesses) include:

SSA's 1-800 phone line is in abysmal shape. SSA's 1-800 phone line has faced challenges for some time, due in large part to outdated technology and significant understaffing. Even prior to the pandemic, disability advocates received a steady flow of complaints of hours-long waits on hold, dropped calls, and overall inability to get through to an SSA representative. SSA's Office of Inspector General found that in FY 2020, just half of calls were actually handled. The pandemic only threw fuel on the fire, tripling call volume, according to SSA, and in recent months, SSA's 1-800 phone line has been largely non-functional. Inability to get through on the phone hurts claimants and beneficiaries—while also driving up the number of people showing up at field offices without an appointment, because you need to call SSA to make an appointment. Advocates have reported alarming numbers of cases of people wrongfully losing disability benefits or having their benefits reduced because they were unable to get through to SSA on the 1-800 line. SSA has told advocates they will be unable to bring the agency's phone line back up to capacity until this fall due to technology limitations. This is unacceptable. Congress must ensure that SSA has the resources they need for the 1-800 line to be fully functional, adequately staffed, and equipped to meet current need without unconscionable wait times, dropped calls, and busy signals.

Many claimants and beneficiaries need access to walk-in service without an appointment. The human consequences of access barriers were on full display at the height of the pandemic, exacerbated by the widespread closure of SSA’s field offices—which serve as a core anchor of the agency’s customer service, particularly for low-income and marginalized populations. A major driver of the need for field office services is the fact that, despite years of pleas from disability advocates, the SSI application still cannot be completed fully online, necessitating an in-person visit at a Social Security Administration (SSA) field office or assistance from SSA’s often difficult-to-access 1-800 number. (Importantly, some SSI applicants will continue to need to visit a field office for help even once the SSI application is online—due to the digital divide, need for accommodations and supports, language access, and other barriers.) Worth noting, most people are unrepresented at the initial stage of SSA’s disability determination process, making the customer service provided by field office staff even more important. Of particular concern to disability advocates, at a time when more people were in need due to rising economic hardship, new SSI applications and awards actually fell to historic lows.⁴ And taking both SSI and SSDI together, estimates suggest that at least half a million⁵ disabled people were left behind by Social Security’s disability programs during the first year of the pandemic alone, due in large part to SSA’s field office closures, because disability benefits are so difficult to access. These alarming figures only further underscore the importance of maintaining a robust field office network, as Chairman Larson’s 2100 Act would take important steps to protect. Ensuring the availability of walk-in services without an appointment is critical as well—particularly in light of the challenges facing SSA’s 1-800 number.

People with disabilities are facing unconscionable waiting times for disability decisions due to serious backlogs. Due mostly to a long history of disinvestment in SSA’s administrative budget, lengthy backlogs can force disabled people to wait months and even years to be approved for needed benefits. Underscoring the human cost of these unconscionable delays, thousands of people die each year waiting for disability benefits as a result. Indeed, a Government Accountability Office report recently put numbers to this shameful trend: between FY 2008 and FY 2019, 109,725 applicants for disability benefits died waiting on their appeals, and still more have died waiting for

⁴ National Public Radio, “Huge Drop in Federal Aid for the Poorest is Blamed on Closed Social Security Offices,” February 19, 2021, <https://www.npr.org/2021/02/19/969106191/huge-drop-in-federal-aid-for-the-poorest-is-blamed-on-closed-social-security-off>.

⁵ David Weaver and Jonathan Stein, “Half a Million Poor and Disabled Americans Left Behind by Social Security,” November 15, 2021, <https://thehill.com/opinion/finance/581522-half-a-million-poor-and-disabled-americans-left-behind-by-social-security/>

decisions since then.⁶ While in recent years, backlogs mostly built up at the hearing level, with disabled claimants forced to wait months and even years for a hearing before an Administrative Law Judge, now SSA is shouldering a major backlog topping more than 1 million cases at the initial and reconsideration levels of the disability determination process. SSA is reporting six month delays on average processing times for decisions at each of the initial and reconsideration levels, meaning it takes a *full year* for the typical claimant to make it through the reconsideration stage. These delays are simply unacceptable.⁷ Targeted funding has been effective at unsticking unacceptable hearings backlogs in recent years. At a time when we know at least half a million disabled people eligible for benefits have already been left behind by SSA's disability programs during the pandemic, Congress must take swift action to ensure that SSA has adequate funding to address backlogs in cases stuck at the initial and recon levels, and at all levels of the disability determination process.

Too many beneficiaries face upheaval due to needless overpayments due to SSA delays in processing information such as wage data and earnings reports. In yet another example of a longstanding problem exacerbated by the pandemic, SSA was already facing serious challenges in processing critical information such as beneficiaries' wage data and earnings reports and adjusting benefits in a timely manner prior to COVID-19. While Social Security disability benefits are restricted to disabled individuals who are unable to support themselves through work, many people with disabilities want to work, and some disability beneficiaries do work sporadically and/or part-time. Yet, in an alarmingly common fact pattern, too many disability beneficiaries find themselves facing needless and preventable overpayments that can run in the thousands or even tens of thousands of dollars, through no fault of their own, due to SSA delays in processing earnings reports, no matter how faithfully and on-time beneficiaries submit them. Another equally alarming fact pattern involves beneficiaries who attempt to report their earnings but are unable to get through on the 1-800 line. There are few more potent chilling effects on work facing disability beneficiaries than the risk of incurring a giant overpayment, even if you do everything right. Beneficiaries hit with overpayments generally see their monthly benefits reduced until they've paid them back in full, shrinking already meager benefits even further, making it even more difficult to pay monthly bills, and causing an immense amount of stress. Overpayments were one of the biggest challenges I saw facing Social Security disability beneficiaries during my years in

⁶ Government Accountability Office, "Social Security Disability: Information on Wait Times, Bankruptcies, and Deaths Among Applicants Who Appealed Benefit Denials," August 13, 2020, <https://www.gao.gov/products/gao-20-641r#:~:text=GAO's%20analysis%20of%20SSA%20disability,final%20decision%20on%20their%20appeal>.

⁷ Social Security Administration, FY2022 Operating Plan, <https://www.ssa.gov/budget/FY22Files/2022OP.pdf#page=6>.

legal aid—and pandemic challenges and a continued trend of underfunding the agency have only made the problem worse, driven by paperwork processing delays due to inadequate SSA staffing and a grossly unreliable 1-800 line that makes it even more difficult for beneficiaries to report their earnings.

2. SSA urgently needs adequate administrative funding to ensure high-quality customer service, after more than a decade of disinvestment.

Delivering on the promises of SSA’s programs will require ensuring that SSA finally has adequate administrative funding to administer its programs and provide high-quality customer service after a long history of disinvestment in the agency’s administrative budget. As noted earlier, since 2010, SSA’s operating budget has fallen 14 percent after adjusting for inflation, and staffing has dropped 13 percent—while demand for SSA’s services has increased significantly, as the number of Social Security beneficiaries has grown by 21 percent. The pandemic has obviously only further added to the challenges facing SSA at this difficult time, and the time has long passed for Congress to continue to tell SSA to “do more with less.”

The human consequences of access barriers to Social Security benefits and inadequate SSA customer service are as preventable as they are shameful. Delays in accessing SSA’s programs—which provide what is often survival income—cause struggling individuals and families to be unable to pay their bills, skip meals, go without needed medical care, and even lose their homes. And as noted previously—since it bears repeating—*thousands of people die every year waiting for disability benefits*, due in large part to unacceptable hearing backlogs. I learned this early on in my time as a legal aid attorney when one of my clients with several significant physical and mental disabilities passed away before the date came for his hearing. He had been wrongfully denied disability benefits twice already because of challenges he had faced navigating the application process without help from a lawyer. It doesn’t have to be this way.

While the reopening of SSA’s field offices will hopefully make it possible for more eligible individuals to access needed benefits, in addition to providing SSA with adequate administrative funding, more action remains necessary to address the litany of barriers that disabled people face when it comes to accessing disability benefits in a timely fashion, many of which predate the pandemic. Notably, prior to the pandemic, studies suggested that roughly half of eligible individuals were already not receiving SSI⁸—a

⁸ Kathleen McGarry and Robert F. Schoeni, Michigan Retirement Research Center, “Understanding Participation in SSI,” January 2015, <https://mrdrc.isr.umich.edu/publications/papers/pdf/wp319.pdf>.

takeup rate that should be alarming to all of us, given SSI's important purpose and the extremely economically vulnerable population the program serves.

3. There are additional, common sense steps SSA and Congress can and should take to improve access to SSA's programs, many of which would also reduce the administrative burden on SSA (and the pressure on field offices) in the process.

In addition to providing SSA with adequate administrative resources to address unconscionable hearing backlogs, ensure timely access to benefits, and provide high-quality customer service to claimants and beneficiaries, there are several additional, common sense steps that SSA and Congress can and should take to improve access to SSA's vital programs. Many would also reduce the administrative burden on SSA as well as the demand for field office services in the process.

- **Establish a “beneficiary advocate.”** Currently, SSA lacks a voice within the agency to represent the beneficiary perspective. SSA would strongly benefit from the creation of a “beneficiary advocate” role to give beneficiaries a dedicated voice within the agency—similar to the IRS’s taxpayer advocate. This is a common sense idea that has gained traction in recent months, including the support of Senators Brown, Wyden, and Casey.⁹
- **Simplify the SSI application and get it online.** You shouldn’t need a law degree to access disability benefits. Simplifying SSI’s byzantine application and making it user-friendly for people with disabilities is long overdue. Meanwhile, despite years of pleas from the disability community, the SSI application still cannot be completed fully online—necessitating an in-person visit at an SSA field office or assistance from SSA’s often difficult-to-access 1-800 number—a significant barrier for many disabled people and older adults and a major driver of field office and 1-800 number traffic.
- **Create a “navigators” program to help unrepresented people facing challenges navigating the Social Security disability process.** Another promising idea that has gained attention in recent months is to establish a staff of SSA “navigators”—possibly under the new beneficiary advocate—to help especially marginalized, unrepresented claimants, such as low-income, disabled, and rural individuals,

⁹ “Brown, Wyden, Casey urge SSA to create a beneficiary advocate position,” <https://www.brown.senate.gov/newsroom/press/release/sherrod-brown-social-security-administration-beneficiary-advocate-position>.

navigate the complicated process of applying for disability benefits. This could also serve to streamline the disability determination process by improving development of cases at the initial level of review and reducing the need for appeals of wrongfully denied initial determinations.

- **Expand outreach to likely eligible populations.** As noted earlier, research suggests that even prior to the pandemic, nearly *half* of individuals eligible for SSI were not receiving benefits—a takeup rate that should be alarming to all of us, given SSI’s important purpose and the extremely economically vulnerable population the program serves. One group that is especially likely to be missed and who is ripe for expanded outreach is very low-income Social Security beneficiaries who are eligible to receive SSI concurrently as a supplement to low Social Security benefits. Robust outreach to ensure SSA’s vital programs are reaching their intended populations should be considered part of high-quality customer service and program integrity.
- **Eliminate cruel waiting periods for SSDI and Medicare.** Disabled people fortunate enough to make it through SSA’s labyrinthine disability determination process are forced to wait even longer still for urgently needed income support and health insurance once being approved, because outdated rules in Social Security Disability Insurance include a five-month waiting period for benefits, and an accompanying twenty-four-month waiting period for Medicare (the health insurance that comes with SSDI eligibility). The bipartisan Stop the Wait Act,¹⁰ introduced most recently in 2022, would eliminate these cruel waiting periods—and the 2100 Act would eliminate the SSDI waiting period.
- **Eliminate the reconsideration stage of review in the disability determination process.** The reconsideration stage further adds to already unacceptable delays in accessing vital disability benefits. Very few claimants are approved at the reconsideration stage. Increasingly, disability advocates are in support of eliminating reconsideration and reinvesting those resources into better development of disability cases at the initial stage of review, to get eligible claimants approved faster without needing to wait months or even years for a hearing.

¹⁰ S. 3575 “Stop the Wait Act of 2022,” <https://www.congress.gov/bill/117th-congress/senate-bill/3575/text?r=12&s=1>.

- **Index the fee cap for representatives to inflation.** Disability advocates were glad to see Acting Commissioner Kijakazi take a step in this direction by increasing the fee cap earlier this month. Indexing the cap to inflation, as Chairman Larson’s 2100 Act would do, is another important step to increase access to legal representation for disability claimants seeking to navigate an extraordinarily complex system.
- **Update SSI’s outdated, complex, and hard-to-administer rules.** While SSI falls under the jurisdiction of the Worker and Family Support Subcommittee, I will take a brief moment to mention it in relation to today’s hearing as well. SSI’s outdated program rules—such as limits on earnings and other sources of income that have not been updated for inflation since 1972, marriage penalties, and a cruel penalty for receipt of mutual aid (such as a couch to sleep on or even a bag of groceries)—don’t just further entrench poverty and material hardship among SSI beneficiaries; they are also extraordinarily burdensome for SSA to administer, and drive a huge amount of traffic to SSA’s field offices and 1-800 phone line. They are also major drivers of needless overpayments. Thus, in addition to cutting poverty among SSI beneficiaries, bringing SSI into the 21st century as the SSI Restoration Act¹¹ would do, would dramatically simplify and reduce SSA’s administrative burden and significantly lessen the burden on field office staff (who generally bear the brunt of this workload) by streamlining and simplifying one of the agency’s most complex, costly, and time-intensive workloads.

I thank you for the opportunity to testify today and look forward to taking your questions.

¹¹ The Century Foundation, “TCF Senior Fellow Rebecca Vallas Applauds Senate Reintroduction of SSI Restoration Act,” June 16, 2021, <https://tcf.org/content/about-tcf/tcf-senior-fellow-rebecca-vallas-applauds-senate-reintroduction-ssi-restoration-act/>