S. HRG. 118–756

NOMINATIONS OF COREY ANNE TELLEZ, ANDREW G. BIGGS, KATHRYN ROSE LANG, AND SHARON BETH LEWIS

HEARING

BEFORE THE

COMMITTEE ON FINANCE
UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF

COREY ANNE TELLEZ, TO BE DEPUTY UNDER SECRETARY/DESIGNATED ASSISTANT FOR LEGISLATIVE AFFAIRS, DEPARTMENT OF THE TREASURY; ANDREW G. BIGGS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD; KATHRYN ROSE LANG, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD; AND SHARON BETH LEWIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD

JANUARY 31, 2024



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NOMINATIONS OF COREY ANNE TELLEZ, TO BE DEPUTY UNDER SECRETARY/ DESIGNATED ASSISTANT FOR LEGISLATIVE AFFAIRS, DEPARTMENT OF THE TREASURY; ANDREW G. BIGGS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD; KATHRYN ROSE LANG, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD; AND SHARON BETH LEWIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD

WEDNESDAY, JANUARY 31, 2024

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:11 a.m., in Room SD–215, Dirksen Senate Office Building, Hon. Ron Wyden (chairman of the committee) presiding.

Present: Senators Cardin, Brown, Whitehouse, Cortez Masto, Warren, Crapo, Cassidy, and Tillis.

Also present: Democratic staff: Sam Conchuratt, Professional Staff Member; Joshua Sheinkman, Staff Director; and Tiffany Smith, Deputy Staff Director and Chief Counsel. Republican staff: Becky Cole, Chief Economist; Andrew Dell'Orto, Policy Advisor; Kellie McConnell, Health Policy Director; Gregg Richard, Staff Director; Lara Rosner, Social Security Policy Advisor; and James Williams, Tax and Economic Policy Advisor.

OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM OREGON, CHAIRMAN, COMMITTEE ON FINANCE

The CHAIRMAN. The Finance Committee now meets to consider four nominations: the nominee for Treasury Assistant Secretary for Legislative Affairs, and three nominees to be members of the Social Security Advisory Board.

First, Corey Tellez is nominated to be Assistant Secretary for Legislative Affairs, who coordinates the Treasury Department's communications with the Congress. This is a critically important position, not just for the work that this committee does, but for many others. The person in this role is key to getting the Congress accurate and timely information that allows us to make good policy.

She is, in my view, as qualified a nominee as you can get. She served as a staffer in both the House and the Senate, including 11 years working with our colleague, Senator Dick Durbin. Then she joined the Treasury's Office of Legislative Affairs, the office she is now nominated to lead. I have some personal endorsements from Senator Durbin that we will share when we introduce the nominee.

The committee is also going to consider the three nominees for the Social Security Advisory Board. The Board is responsible for advising the President and the Congress on Social Security policy. It regularly makes important recommendations dealing with maintaining the solvency of Social Security, improving services for beneficiaries, and helping seniors enjoy a dignified retirement.

For committees like ours that work hard to protect Social Security, the top-notch bipartisan reports that the Board produces on a variety of issues are invaluable.

The first nominee to the Board is Kathryn Lang. She currently serves as director of Federal income security for the senior group Justice in Aging. She brings a wealth of experience navigating Social Security's disability determination process on behalf of elders and people with disabilities, and advocating for changes to improve Social Security.

Having started my time in public service as codirector of the Oregon Gray Panthers, I am just thrilled to have somebody with this kind of background in legal aid for senior citizens joining us today. The Senate has had a number of individuals who have been involved in legal aid over the years, so we kindly welcome you to the chamber that cares deeply about this great program.

Next, we have Sharon Lewis, who spent nearly her whole career fighting on behalf of people with disabilities, including in my home State of Oregon. She previously served at the Department of Health and Human Services as the Principal Deputy Administrator for the Administration for Community Living. She also served on the House Committee on Education and Labor under Chairman George Miller, and I had, as a member of the other body, the chance to serve with Chairman Miller. I think Senator Crapo also did, and please, when you talk to him, convey to him our best. He is a wonderful, wonderful guy, and we were veterans of many cross-country flights back in the day, as Senator Crapo will remember, when there were not many nonstops.

Finally, we have Andrew Biggs, senior fellow at the American Enterprise Institute, who brings a number of experiences with respect to issues that we will be talking about on Social Security and retirement policy, previously serving as Principal Deputy Commissioner of Social Security, and at the White House during the George W. Bush administration.

Now, I think colleagues know that I have serious concerns about his nomination, given his background as one of the architects for privatization. Just a few weeks ago, he argued in a *Wall Street Journal* op-ed that Social Security is not an earned benefit. That in my view represents a fundamental misunderstanding of this critically needed program, and what it was designed to do. Social Security is an earned benefit, because you do not receive it until you have worked and paid into it for at least 10 years.

The mission of every Board member is to work toward gathering bipartisan consensus to strengthen Social Security, and should he be confirmed, I am concerned that Mr. Biggs will be simply a megaphone for partisan ideas to deny seniors their hard-earned benefits.

Leader McConnell put forward Mr. Biggs as the Republican nominee for the Board, and I am concerned about a preference to have somebody who has actively worked to dismantle the program, rather than protecting the promise that Social Security has represented for generations.

I believe Ms. Tellez, Ms. Lang, and Ms. Lewis are the right people for these jobs at the right time. I intend to support their nominations. I urge my colleagues to support them.

Senator Crapo?

[The prepared statement of Chairman Wyden appears in the appendix.]

OPENING STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR FROM IDAHO

Senator CRAPO. Thank you, Mr. Chairman, and welcome to our four nominees. Congratulations on your nominations, and thank you all for your willingness to serve.

Today we will first hear from Corey Anne Tellez, who is nominated to serve as Assistant Secretary for Legislative Affairs at the Treasury Department. This position is responsible for advising the Treasury Secretary on congressional relations, helping to formulate policy, and to shape the Department's direction. Ms. Tellez, given your experience, you are no doubt aware how important it is for the executive branch to cooperate and work closely with Congress, particularly the committees with direct oversight of Treasury.

While I do not expect the Treasury Secretary and members of Congress to always align on policy, I do expect the Treasury Secretary and the broader Treasury Department to be transparent and accountable to all members of this committee. That means providing accurate, thorough, and timely responses to questions and letters from members, an area in which there remains much work to be done, particularly on timeliness. If confirmed, it is essential that such communication improve at Treasury in order to facilitate greater policy understanding and to better represent the American people whom we serve.

Turning to the other three nominees under consideration today—Mr. Biggs, Ms. Lang, and Ms. Lewis, who have been nominated to be members of the Social Security Advisory Board—these are important positions, particularly given the operational challenges facing the Social Security Administration and the long-term financing challenges facing the Social Security system.

Congress established the Social Security Advisory Board to advise the President, Congress, and the Commissioner of Social Security on issues related to Social Security, Supplemental Security Income, and the SSA's service to the public. The Board is comprised of seven members. Four members are appointed by Congress, two from each political party, and the remaining three members are nominated by the President and confirmed by the Senate. No more

than two of the President's nominees may be from the same political party.

The three Social Security Advisory Board nominees before us today have strong qualifications, bring different perspectives and areas of expertise, and will need to move through the confirmation process together. If confirmed, I expect a commitment from the nominees to continue the Board's general practice of operating by consensus and producing reports on a bipartisan basis.

I look forward to hearing the nominees' testimony and their responses to questions.

Thank you, Mr. Chairman.

[The prepared statement of Senator Crapo appears in the appendix.]

The CHAIRMAN. I thank my colleague. I am going to introduce our nominees and have their testimony. We have some procedures, and I think you all have been advised about that.

Corey Tellez has nearly 2 decades of public service experience, including 2 years at the Office of Legislative Affairs that she has been nominated to run. Without objection, I would like to introduce into the record an introductory statement from Senator Durbin. Senator Durbin wished to speak in person on Corey's behalf, but he has a Judiciary Committee hearing that has prevented him from being here.

He personally asked me to fill in, in his absence, and have me relate that it is his view that Corey was a very, very good staffer and is as good a staffer as he has had.

[The prepared statement of Senator Durbin appears in the appendix beginning on p. 43.]

The CHAIRMAN. Andrew Biggs is the first of three nominees to the Social Security Advisory Board. He is a senior fellow at the American Enterprise Institute and brings decades of experience on Social Security and retirement policy.

Kathryn Lang currently serves as director of Federal income security for the senior group Justice in Aging and has deep experience navigating Social Security's disability determination process on behalf of seniors and people with disabilities.

Finally, we have Sharon Lewis, who has long advocated on behalf of people with disabilities. Her extensive experience includes service at the Department of Health and Human Services.

Thank you all for being with us, and we will go ahead with you, Ms. Tellez, to start.

STATEMENT OF COREY ANNE TELLEZ, NOMINATED TO BE DEPUTY UNDER SECRETARY/DESIGNATED ASSISTANT FOR LEGISLATIVE AFFAIRS, DEPARTMENT OF THE TREASURY, WASHINGTON, DC

Ms. TELLEZ. Chairman Wyden, Ranking Member Crapo, and members of the Senate Finance Committee, I appreciate the opportunity to be considered for the position of Assistant Secretary for Legislative Affairs for the U.S. Department of the Treasury.

I want to thank President Biden and Secretary Yellen for their support. I would also like to thank my family: my mother, my stepfather, and my sister, who have provided unconditional love and encouragement; my fiancé Mike, who supports me in ways big and

small every day; our daughter, who has brought more joy to our lives than we could have possibly imagined; and an amazing group of friends who have encouraged me, counseled me, and kept me humble.

At a young age, I was fascinated by the stories of people who shaped our country and communities. Before I knew that public policy could be a profession, I was drawn to the ideas of creating laws to improve the community in which I grew up.

My sister and I were raised in the south suburbs of Chicago by a single mother who sacrificed tirelessly to ensure my sister and I had what we needed. She taught us by example to always act with honesty and integrity in our personal and professional lives. Helping to create and implement policies to improve the lives of working families like ours has motivated me every day.

After law school, I moved to Washington, DC to see the work of Congress firsthand, and like many congressional staffers, I started as an unpaid intern working a second job to make ends meet. Over the next 5 years, I had the opportunity to work for three House members, Congressman Cuellar from Texas, Congresswoman McCarthy from New York, and Congresswoman Halverson from Illinois.

I thank these members for trusting me to serve their constituents and for teaching me how the legislative and executive branches work together in practice to best serve the American people. Whether I was working with constituents on grant applications or managing a team advancing legislation, I experienced the importance of this partnership and valued the close collaboration with Democratic and Republican administrations on issues big and small.

In 2011, I joined Senator Durbin's office, where I served for nearly 11 years as his Economic Legislative Assistant, Legislative Director, and finally as his Deputy Chief of Staff. I was proud to work on behalf of constituents in Illinois, where most of my family resides today, and which I still consider home.

I will always be grateful for Senator Durbin and his incredible team, who embody what it means to dedicate your life to helping others. During my time in the Senate, I spent many long hours, late nights, and weekends working with others to find common ground, often on challenging issues under very short deadlines.

Having grown up in a large family with diverse views, I understand the importance of respectful debate and discussion. Relying on the values instilled in me by my family, I developed relationships with staff on both sides of the aisle, who like me were motivated to help improve people's lives, even if we had different ideas about how best to do so.

When I joined the Treasury Office of Legislative Affairs in 2022, I brought with me lessons learned over a 16-year career on Capitol Hill. Just to name a few: the value of bipartisanship, the willingness to compromise, and the importance of an open line of communication between Congress and the executive branch.

During my time at Treasury, I have been accessible and responsive to members of Congress and their staff. If confirmed, I look forward to working to be a partner with you and your colleagues across Congress.

Finally, I want to thank your staff. I understand that it is their hard work that makes a hearing like this possible, and I appreciate the professionalism that they have shown to me. I look forward to continuing this engagement, if I am privileged enough to be confirmed.

Thank you, and I look forward to taking your questions.

[The prepared statement of Ms. Tellez appears in the appendix.]

The CHAIRMAN. Thank you.

Mr. Biggs?

STATEMENT OF ANDREW G. BIGGS, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

Mr. BIGGS. Chairman Wyden, I bring you greetings from Klamath Falls, and, Ranking Member Crapo, members of the committee, thank you for the opportunity to appear before you today. I am honored that President Biden has nominated me for the Social Security Advisory Board, and I am grateful to Minority Leader McConnell for his support. I wish to thank both the majority and minority staff for their help in preparing for this hearing.

The Social Security Advisory Board's mission to advise policymakers is particularly important today. The SSA faces significant administrative challenges, such as methods for reducing improper payments. Likewise, the Social Security program as a whole faces an actuarial deficit over the next 75 years, and its combined trust funds are projected to be exhausted in 2034.

It is not the Board's mission to promote solutions to either administrative or solvency challenges. Rather, the Board seeks to facilitate a process by which both agency officials and elected policymakers can make informed choices on behalf of the public.

I believe I am well positioned to contribute to the Board's work. I served in the Social Security Administration from 2003 through 2008, rising from Associate Commissioner of Retirement Policy, to Deputy Commissioner for Policy, to the Principal Deputy Commissioner of Social Security, the second ranking official in the agency. I also served as Secretary to the Social Security Board of Trustees.

In addition, of course, I have a long history of working on Social Security policy, including in my current position as a senior fellow at the American Enterprise Institute. I have published widely on Social Security and retirement issues, ranging from articles in peer-reviewed journals that have received hundreds of academic citations, to op-eds designed for policymakers and the general public.

I hold a bachelor's degree from the Queen's University of Belfast in Northern Ireland, master's degrees from Cambridge University and the University of London, and a Ph.D. from the London School of Economics.

It is important that the Advisory Board work in a collaborative and bipartisan way, with no political agenda or ulterior motives. I believe the Board currently operates in that fashion, and I have the experience to continue that work. Since 2016, I have served as a member of the Financial Oversight and Management Board for Puerto Rico, which oversees the island's bankruptcy. While the Oversight Board has always been composed of a mix of Democratic and Republican appointees, of the hundreds of difficult decisions

made by the Puerto Rico Oversight Board, only a very small number were not decided by consensus.

While Social Security is itself a highly contentious issue, I have myself maintained strong and friendly relationships even with analysts holding views opposed to my own.

Thank you again, Mr. Chairman, Ranking Member Crapo, and members of the committee, for the privilege of appearing before you today. I will be pleased to respond to your questions and look forward to earning your support today and in the future.

[The prepared statement of Mr. Biggs appears in the appendix.]

The CHAIRMAN. Very good.

Ms. Lewis?

STATEMENT OF SHARON BETH LEWIS, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

Ms. LEWIS. Chairman Wyden, Ranking Member Crapo, and members of the committee, thank you for the opportunity to speak to you today, and for your consideration of my nomination. I am honored to have been nominated by the President for this important role as a member of the Social Security Advisory Board.

I appreciate the opportunity to join my two colleagues, Ms. Lang and Mr. Biggs, to sit before you and answer your questions. If we are all confirmed, I look forward to joining a board with a full complement of seven members, to share ideas, to listen to multiple views, and to work together to identify and communicate recommendations for the Social Security Administration.

I also want to thank my family, especially my parents, my brother and my sister, and my three amazing daughters—Jazmin, Zoe, and Maraena—for their love, support, encouragement, and patience, without which I would not be here.

Zoe asked me to tell you "hello" from Oregon, noting her disappointment in not being able to join me in DC this week, but also pride in her job responsibilities that kept her at home. Zoe is one of the very small proportion of Supplemental Security Income recipients with intellectual disabilities who also work in competitive, integrated employment.

I am also grateful to acknowledge Jazmin, who has been incredibly supportive of my efforts, and to thank Maraena, my youngest daughter, for taking time to come and support me here today.

I believe I have a unique combination of personal and professional experience that will inform my work on the Board. My professional background includes serving in the U.S. Department of Health and Human Services as the Commissioner of the Administration on Intellectual and Developmental Disabilities, the Principal Deputy Administrator for the Administration for Community Living, and the Secretary's Senior Advisor on Disability Policy.

While at HHS, I worked collaboratively with teams from the Social Security Administration, the Department of Labor, and the Centers for Medicare and Medicaid Services, to support improved employment outcomes and economic opportunity for people with disabilities.

Prior to joining HHS, I also served as the Senior Disability Policy Advisor for the U.S. House Committee on Education and Labor,

and as a Joseph P. Kennedy Public Policy Fellow for the Senate Subcommittee on Children and Families within the Senate HELP Committee.

Since leaving full-time government service 8 years ago, I have been employed with a health-care consulting firm, Health Management Associates. As a consultant, I primarily work with State Medicaid agencies and with other stakeholders to improve policies and programs for people with disabilities and older adults, as well as their families. Additionally, I continue to volunteer with several nonprofit disability-focused organizations.

Regarding my personal experience, as mom to a young adult with significant disabilities, as family to several retired older adults, and through my engagement with many people in the disability community over the past 25 years, I know firsthand both the opportunities and challenges for those who depend upon the important benefits administered by Social Security.

I think understanding and respecting the experiences of both the beneficiaries who receive services and the staff who deliver those services is central to the Social Security Advisory Board's work. Hearing from these individuals and infusing their insights into policy deliberations and recommendations reminds us why it is so important to improve and sustain Social Security programs.

It is our obligation to thoughtfully consider the experiences of everyday Americans, alongside our efforts to analyze and consider data, research, and the perspectives of government officials, policy experts, economists, and social scientists. I also believe strongly in compromise and pursuing consensus.

Should I be fortunate enough to be confirmed, I will serve in a collaborative and bipartisan manner. I will work cooperatively with my fellow Board members in developing our advice and guidance to the administration.

Thank you again, Mr. Chairman, Ranking Member Crapo, and members of the committee, for the privilege of appearing today. I look forward to responding to your questions.

[The prepared statement of Ms. Lewis appears in the appendix.]

The CHAIRMAN. Ms. Lewis, thank you.

Ms. Lang?

STATEMENT OF KATHRYN ROSE LANG, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

Ms. LANG. Chairman Wyden, Ranking Member Crapo, and Senators of the Senate Finance Committee, it is a great honor to appear before you today as a nominee to be a member of the Social Security Advisory Board. I want to thank President Biden for nominating me for this position. I greatly appreciate this committee for holding this hearing on my nomination, and the nominations of Mr. Biggs and Ms. Lewis today.

In my 25 years as an attorney, I have been an advocate for low-income older adults and people with disabilities in a variety of settings, with a focus on public benefits. Over the past decade, I have become a nationally recognized expert on the benefit programs of the Social Security Administration, in particular the Supplemental

Security Income, or SSI, program and Social Security benefits for low-income older adults.

Over 7 million older adults live in poverty in the United States today. As director of Federal Income Security at Justice in Aging, I am part of the team working to ensure that older adults in this country have access to the resources they need. We train advocates and keep them informed of the most current rules and policies at the Social Security Administration, to ensure that all who qualify can access the benefits they need. We provide materials, trainings, and other information to help advocates navigate the complex rules and restrictions with their clients and stay informed about changes to or systemic problems with SSA benefit programs.

I have had the opportunity to present to the Social Security Advisory Board in the past on some of my areas of expertise, including the representative payee program and streamlining the administration of SSI benefits. I also have very extensive knowledge about other areas involving SSA benefits, such as post-eligibility issues like overpayments and the SSI in-kind support and maintenance rules. I look forward to this opportunity for public service as a member of the Social Security Advisory Board.

Before I conclude, I would like to take this opportunity to thank my husband David Glenn, who is here with me today; our daughter; my parents Frank and Pauline Lang; and members of my extended family, for all of their support over the years.

Again, I appreciate this committee for holding this hearing today, and I would be pleased to answer any questions that you may have for me.

[The prepared statement of Ms. Lang appears in the appendix.]

The CHAIRMAN. Thank you, Ms. Lang.

Okay. We now have some obligatory matters we have to go through with each of you. First, is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated? We will just go right down the line. Ms. Tellez?

Ms. TELLEZ. No.

Mr. BIGGS. No.

Ms. LEWIS. No.

Ms. LANG. No.

The CHAIRMAN. Second, do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. TELLEZ. No.

Mr. BIGGS. No.

Ms. LEWIS. No.

Ms. LANG. No.

The CHAIRMAN. Third, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Ms. TELLEZ. Yes.

Mr. BIGGS. Yes.

Ms. LEWIS. Yes.

Ms. LANG. Yes.

The CHAIRMAN. Finally, do you commit to provide a prompt response in writing to any questions addressed to you by any Senator of this committee?

Ms. TELLEZ. Yes.

Mr. BIGGS. Yes.

Ms. LEWIS. Yes.

Ms. LANG. Yes.

The CHAIRMAN. We appreciate the responses of all of the nominees.

So, Ms. Tellez, let's start with you. And as you can tell, we really value this bipartisan effort here on the committee. It has produced very substantial wins on a whole host of issues, and part of it is getting timely and accurate answers from Treasury.

It is just the coin of the realm to do our jobs. If you are confirmed, how do you plan to work effectively with both sides of the aisle?

Ms. TELLEZ. Thank you, Senator, for the question, and thank you once again for having me here today.

As I mentioned in my opening statement, I spent 16 years on the Hill working across the aisle to advance legislation on behalf of my boss. So I understand how important those relationships are, and how important it is to work in a bipartisan fashion to find common ground. I brought that perspective and that background with me when I joined the Office of Legislative Affairs nearly 2 years ago, and have done my best to work with members and staff regardless of political affiliation to be responsive, with timely answers from Treasury. And I would bring that same perspective with me if I was privileged to be confirmed, and would hope to lead the office in ensuring that Treasury provides timely and accurate responses to members and staff of this committee and beyond.

The CHAIRMAN. So, in something resembling English around here, would it be fair to say that not only are you saying you will do it if confirmed, but you have a track record of trying to be bipartisan, working with both sides?

Ms. TELLEZ. Absolutely, sir. I have done my best over a nearly 18-year career to work with members and staff on both sides of the aisle to find common ground, and I have done my best over the last 2 years to do the same.

The CHAIRMAN. Thank you.

We are going to move quickly, because we have a lot of ground that we want to cover. For the Social Security nominees, we have taken special interest—Senator Crapo and I and the good Senator from Nevada—in this whole overpayment issue.

This is really, in my view, a four-alarm fire with respect to what we have to do there. So my concern is that we pay the right people the right amount at the right time. And back in the days when I ran the legal aid program for the elderly, this was a modest issue. Now it has mushroomed in terms of the concerns the members are hearing from constituents, and Senator Crapo and I are going to be working together on this issue with new Commissioner O'Malley.

So tell us—we will just go right down the line for the three Social Security nominees. You have all had experience with the programs. You have differing views. I would be interested—we can just start

with you, Mr. Biggs, and go right down the line. What should Social Security be prioritizing to reduce and prevent overpayments, and what might the Board be involved in doing? Mr. Biggs?

Mr. BIGGS. Sure. Thanks for the question. I would start by saying that particularly with SSI, where the majority of overpayments take place, the Social Security Administration faces an extremely difficult job. They are required by law to adjust benefits to the beneficiary monthly, based on both income and assets.

From an administrative standpoint, that is an extremely difficult job to do. At the same time, they need to come into the 21st century in terms of how they do it, of accessing more administrative data, more electronic data.

At this point, they are still inputting a lot of this data by hand, which is not simply slow and costly but can involve inputting errors, which create over- or underpayments. They need to use more bank account data to track assets. I think they need to work more closely with State agencies for workers' compensation, unemployment; work more closely with the Internal Revenue Service for real-time earnings data where available.

I will be honest. I will say, I do not understand why the progress of the agency has been so slow on this. Computers, anything technology-related at SSA, is difficult. But obviously this is something that has to move more quickly to modernize the whole way this is structured.

The CHAIRMAN. Ms. Lewis?

Ms. LEWIS. Thank you for the question. As a parent, I have personal experience with this and can affirm how terrifying those letters are when an SSI recipient receives a letter saying they have received an overpayment, because my daughter does work on a seasonal basis, and it is impossible administratively for the Social Security Administration to keep up with the lag that occurs when her income varies over the course of the year.

So I think it is very important for us to look at how to reduce the administrative complexity for both the Social Security Administration and for beneficiaries, and understanding opportunities to make recommendations so that both the participants and the staff at the Social Security Administration can make this program work as intended.

The CHAIRMAN. Good.

Ms. Lang?

Ms. LANG. Thank you for the question, Senator. This is an area that I mentioned in my opening statement as an area where I am very concerned. And I have been working with the Social Security Administration to provide recommendations to them for areas where I believe the agency can take action now, where they do not need to wait for members of Congress, but where they do have the ability, within their current statutory authority, to take steps to address this current crisis, as you mentioned, both with reducing or preventing overpayments before they happen, but then when they do happen, improving their waiver policies and their recoupment policies.

The CHAIRMAN. Okay.

I am just going to ask one question of you, Mr. Biggs, with respect to this *Wall Street Journal* op-ed, which I indicated is very

troubling to me. I think we all understand, particularly in this very challenging political climate, finding a consensus on tough issues is no piece of cake. I mean, it is hard work and very, very difficult.

But you have to get everybody to agree on the same set of facts. If you do not have that, it is pretty hard to go to the next kind of effort. When you said, "Social Security benefits are not earned," I said that was a stunning judgment about a program that I have worked closely with for decades now—I am going back to those senior citizen days.

I mean, seniors work their entire career and pay into Social Security with every paycheck. And I just remember, coming up in this field, everything said Social Security "earned benefits." So how are you going to go about reaching consensus on the future of Social Security if there cannot be even an agreement on basic facts about the program?

Mr. BIGGS. Well, like any author would have to know in these circumstances, I will say the author does not write the headline for an op-ed, which in that case I did not. The point I made in that piece——

The CHAIRMAN. So, are you not in agreement with that anymore? Are Social Security benefits earned? All of us have had, once or twice, a headline in a news article that we did not necessarily agree with.

My friend from Nevada is looking at me, because we all—Senator Crapo—we all have seen headlines. So, if you are saying you have changed your position——

Mr. BIGGS. No. I am saying—if I might respond.

The CHAIRMAN. Okay; please, please.

Mr. BIGGS. What the article said—it cited Congressional Budget Office data showing that on average, even for people retiring today or in the near future, they are promised Social Security benefits, I believe, 27 percent higher than the taxes they paid over their lifetime, plus interest on those taxes.

So the question is not whether Social Security benefits are earned in this sense—I mean, we are both familiar with how the Social Security benefit formula works. The issue I was raising there was that Social Security benefits have not been paid for, and this gets to questions of intergenerational fairness. And I understand if you say you have earned your benefits; therefore, that puts a moral claim that your benefits should never be changed.

At the same time, it should matter whether we as a generation have fully paid for our benefits. The point I made in that article—and I think if you read it, it is fairly clear—is whether we earned our benefits in this broader sense, we have not paid for them.

That should influence how we think about the burdens we place on future generations to pay for benefits that we may have earned, but we did not pay for.

The CHAIRMAN. So what is troubling to me is you have basically turned the debate about the generosity of Social Security and the 20 million people or so that stay out of poverty with this program—you are turning that into a discussion about whether benefits have been earned. I do not share that view. I think you start with the proposition that they are earned.

I gave you a chance to change your mind, and I appreciate your stating your views so we now all understand them this morning.

Senator Crapo?

Senator CRAPO. Well, thank you, Mr. Chairman. And before I go to Ms. Tellez, Mr. Biggs, do you want to respond to that?

Mr. BIGGS. I would think if anybody, based on that discussion, has any doubts about my views, I highly encourage you to read the op-ed and not rely on the headline or a characterization of the article. I would simply say that.

Senator CRAPO. It seems to me—I have not read your op-ed. I am going to go read it. But it seems to me that the question of whether—remember, when Social Security started, we had X number of workers for Y number of benefits, and that has kind of inverted.

It seems to me the question here simply is, is it fiscally sound, and if not, how do we make it fiscally sound? Is that not the issue you were discussing?

Mr. BIGGS. Sure. It is thinking about how we consider changes to Social Security going forward. If somebody has fully earned and fully paid for their benefit, that is not just a financial thing. There is sort of a moral claim that is made there, that it would simply be unfair to take benefits away from somebody if they had in fact fully paid for them.

And in the article, I am very clear you should not—for a low-income person, regardless of whether they have fully paid for their benefits or not—you should not take those benefits away. But you have higher-income Americans who are being promised benefits well in excess of what they have paid for. Should they have a moral claim to tell our kids and grandkids that they therefore have to finance it, that they therefore have to pay higher taxes to finance benefits that I may be promised, but did not pay for?

The question is not whether Social Security benefits are earned; the question is whether Social Security benefits have been paid for. And I just think you would really need to read the piece to understand it. But the idea that I'm simply saying that Social Security is not an earned benefit, that it is simply a welfare benefit, that is just simply a mischaracterization of the argument I made there.

Senator CRAPO. I appreciate that. I wanted you to clarify that.

Since we are on the Social Security issue right now, I just have one question for each of you to answer. Because of some of this controversy, we have been pulled into a discussion about how Social Security should be managed. But that is not your job, is it? I would like each one of you, if you were confirmed, to tell me, if confirmed, do you commit to maintaining the Board's bipartisan consensus-based approach to decision-making? Mr. Biggs?

Mr. BIGGS. I absolutely commit to doing that.

Senator CRAPO. Ms. Lewis?

Ms. LEWIS. Thank you. I absolutely commit to it as well.

Senator CRAPO. Ms. Lang?

Ms. LANG. Thank you for the question, Senator. I do commit to maintaining that practice.

Senator CRAPO. All right; thank you.

I also have some questions for you, Ms. Tellez. First of all, as I indicated in my opening remarks, I have concerns with the Treasury Department's responsiveness.

Throughout this administration, Treasury has consistently provided late responses to correspondence on tax, economics, and finance policy issues, correspondence that is essential for Congress to carry out its oversight authority.

Just last year, it took Secretary Yellen around 7 months to respond to questions for the record after a Finance Committee hearing on Treasury's budget. It took the IRS Commissioner almost 8 months to respond to questions after a Finance hearing on the IRS's budget and their filing season. The lack of basic responsiveness—by the way, these are just two examples. There are multiple examples of how—there is correspondence we are still waiting for answers on.

The lack of basic responsiveness from the administration is unacceptable, and frankly it is highly troubling given the amount of funding provided in the so-called Inflation Reduction Act. A simple "yes" or "no" question, and then I have another one where you can elaborate.

If confirmed, will you commit to being transparent and responsive to me and my staff in correspondence requests and briefings?

Ms. TELLEZ. Yes.

Senator CRAPO. Thank you.

And now, this is maybe an unfair question, so you can decline to answer it if you want to. But then I would like to let you just respond in general to the issues that I have raised. The question is, do you find the time of 7 or 8 months delay to a response acceptable?

Ms. TELLEZ. Thank you, Senator, for the question, and thank you for raising your concerns with me. I deeply respect the role that Congress plays related to policymaking and oversight responsibilities, and I understand how important it is to receive timely, accurate responses from the administration and the Treasury Department.

So, I commit to work with you and your staff to do our best to respond in a timely manner with accurate information.

Senator CRAPO. All right.

One last question. In the case of different interpretations between Congress and the Treasury with respect to tax law changes, what steps will you take to ensure that all voices are heard and that the administration's preference on regulatory guidance does not overstep congressional intent?

Ms. TELLEZ. Thank you, Senator. I think the role of Assistant Secretary for Legislative Affairs is to ensure that voices in Congress and stakeholders are heard by the Department, elevated respectfully within the Department as decisions are being made, and I would commit to work with you and your staff to ensure that happens.

Senator CRAPO. Thank you.

The CHAIRMAN. I would say to my friend, I went, I think, 7 minutes or something. Would you like to go and finish up, or——

Senator CRAPO. No, I am good.

The CHAIRMAN. You're in good shape? Okay.

Our colleague from Nevada.

Senator CORTEZ MASTO. Thank you, Mr. Chairman. Thank you to the ranking member.

I am curious—because this is going to be a dynamic for the Board—Ms. Lewis or Ms. Lang, do you care to respond to what Mr. Biggs said about earned benefits at all or any of the comments that he made, and his position? I do not want to put you on the spot right now, but I'm just curious, because this is what the dynamic will be. I would like to see it play out in front of me.

Ms. LANG. Thank you, Senator, for asking us. I will just say that I am very familiar with Mr. Biggs's work and his position, and I look forward to being on the Board and engaging with his perspective and the perspectives of the other members as well.

I do not think that any one person gets to drive the agenda of the Board. I think we have to work together collaboratively.

Senator CORTEZ MASTO. I appreciate that; thank you.

Ms. Lewis?

Ms. LEWIS. And thank you for the question. I also believe that we need to work toward consensus, and that the role of the Board is to be a place where we can try to find common ground in our work, regardless of our political backgrounds. And I look forward to working with Mr. Biggs and having conversation and debate to come to good recommendations.

Senator CORTEZ MASTO. Thank you.

Mr. Biggs, thank you for your clarification. I do look forward to reviewing that article. I appreciate that.

Ms. Tellez, welcome as well. I appreciate the work that you have done already. I look forward to further working with the Treasury. We have been great partners on the Inflation Reduction Act and so many other areas.

I actually plan to send a comment letter to Treasury soon on the proposed rule on the 45X tax credit and some issues concerning critical minerals. So I look forward to further collaboration, and I hope that is the case. I also hope that from what I just heard from the ranking member, Treasury is responsive to all of our colleagues, not just some of them. So I appreciate that. Thank you. I do not have much time, so I am not going to ask you any questions.

I do want to jump to SSI, because I do appreciate the background and the work that you have done. In my family, I also have somebody on SSI. Let me just tell you, the challenges for somebody with disabilities are just too much.

The time lag, every other issue, is a challenge, and I cannot figure out why. And so maybe, let me just start, Ms. Lewis, with you. It seems to me there has to be more than just the issue of modernization and technology. What recommendations would you have, or what would you bring with you from your experience on how we should address this issue?

Ms. LEWIS. Thank you very much for the question. I think that SSI is a program that the Congress needs to be taking a hard look at in terms of asset limits, the opportunities to manage the program. When an individual can find themselves in an awkward position of an overpayment because their savings account hits $2,001, I think that speaks for itself. And those are challenges that I look forward to researching and analyzing as a member of the Social Security Advisory Board, so that we can put forward recommendations on how the Congress might address those concerns.

Senator CORTEZ MASTO. I look forward to those recommendations as well.

Ms. Lang, similarly, and also approach it from—I am curious, because you have been before us providing recommendations. How would you then turn it around and do the outreach to stakeholders as well, getting more people and more input in as well?

Ms. LANG. Yes. The SSI program is just so complicated because it is rules upon rules, as you know. There are just so many complications. There is a rule, and then there is an exception to that rule, and then there are four exceptions to the exception, and it just becomes too, too burdensome to administer for the agency.

So I think there is definitely a role for the Advisory Board to make recommendations about ways it can be streamlined, and how some of those complications can be reduced or eliminated.

Senator CORTEZ MASTO. Thank you. Thank you all for your willingness even to serve. I appreciate it, and welcome to all of your family members. Thank you everyone.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank my colleague.

Again, a long-time advocate of Social Security and our subcommittee point person, Senator Brown.

Senator BROWN. Thank you, Mr. Chairman, and, Senator Cortez Masto, thank you for bringing up a really important issue.

Mr. Biggs, I will start with you. I am concerned about your record on Social Security, as you know, which is the bedrock of our middle class, that people earn and pay into their whole lives.

This committee has been terrific understanding pensions, as Chair Wyden has understood, and restoring people's lost pensions. My concern is the role you played in President Bush's effort to divert payroll tax contributions from the trust funds to a private savings account.

In other words, you advocated privatizing Social Security—you and your allies back off that sometimes, saying you are not, but you have been—to let Wall Street gamble with people's guaranteed retirement security, which most of us on this committee find abominable.

That was just a few years before the 2000 crash. If workers had followed your plan back then, we all know what would have happened to a generation of Americans' Social Security. So many Americans would have lost most of their savings. My first question is, do you think Social Security should be privatized?

Mr. BIGGS. No, I do not.

Senator BROWN. Okay. To be clear, my concerns with your views on Social Security are not just about the past. These are your present-day views. Just last month, you wrote in *The Wall Street Journal,* "Social Security is not earned." You have also written before about raising the Social Security retirement age. Do you think Congress should raise the Social Security retirement age?

Mr. BIGGS. I have not proposed raising the Social Security retirement age. I am aware of an article where it cited some comments I made in a congressional hearing, where I said it was not an unreasonable idea. Over the past 12 years, I have put forward three different written frameworks for how I would reform Social Secu-

rity. None of them included an increase in the Social Security retirement age.

Senator BROWN. You have also said all options should be on the table, and that includes, I assume, raising the retirement age and privatizing Social Security, when you say all options should be on the table?

Mr. BIGGS. I do not believe I said all options should be on the table. I think Congress should keep all options on the table if you wish to have a bipartisan agreement. I have not argued for raising the Social Security retirement age. I do not believe I have written anything in favor of private accounts since the Bush experience in 2005. So that was 18 years ago.

Senator BROWN. I have watched you, and I have watched your allies in administrations over the years, when you have power, make suggestions to *The Wall Street Journal* and conservative publications, the Heritage Foundation, all those allies.

Your allies seem to clearly—they do not like Social Security. They do not really need Social Security. I mean, most of the people who take these positions of privatization, of raising the retirement age, you could live the rest of your lives—however long you live after retirement, if you ever retire—you could live in enough comfort that you do not really need that $2,000 or $3,000 or $4,000 a month.

And I think back to, you know, who is making these sorts of admonitions to us? Who is saying that Social Security, all options are on the table, privatization is okay, all that? It is people who wear suits all day and sit at a desk, people like you, people like me, who say "raise the retirement age."

I do not want to lecture you. But maybe if you spent more time talking about people who work at the McDonald's drive-through or people who are steelworkers or people who are on their feet all day, by the time they're 45 or 50 or 55, their bodies are pretty worn out.

Yours, I mean if your health is generally good, your body is not worn out by doing the kind of work you do, the kind of work I do. But people who work hard—I mean, the building trades start work at 18 or 20, a pipefitter or a construction worker of some kind. You know, they pay into retirement. They can retire at 55 because their bodies wear out.

I have watched, I have looked at police officers who are 50, and you know, their bodies have worn out. They have physical jobs with challenges all day long, yet they are—you know, Social Security matters to them. If you think about raising the retirement age, as you have advocated and others have advocated and we have raised the retirement age—it is that much longer those people have to wait.

And they are not—they typically do not live as long past 65, as people who work like you do and I do. It is just—I guess my request and admonition is, spend a little more time with servers in this society.

I will close with one story, Mr. Chairman. I was at an AFL–CIO dinner in Cincinnati a few years ago, and there was a group of middle-aged women sitting in front of the room, and I went up and sat at their table, and I said, "What brings you here?"

One of the women said, "We just negotiated our first union contract. I represent 1,200 custodial workers." I said, "What does that mean, your first union contract?" "It means," she said, "I am 51, and it is the first time in my life where I will have been paid a 1-week vacation."

People like that. I mean, they are cleaning our offices every day, and we expect them to work to 65 or 67. So often they do not have retirement. So often they do not have vacation. So often they do not have health care, and it is why people hate Washington. They do not see us paying enough attention to people who work with their hands, people on their feet all day, people who struggle with the daily mess of life, and we simply do not, as a culture, reward them for it.

Thank you, Mr. Chairman.

Mr. BIGGS. If I might, Senator. I am fortunate enough to live in a rural area, so I am outside of Washington, DC. My friends include people who are plumbers, electricians, and people who work in construction. I have a family friend whom I help with their SSI. So I completely understand what you are saying.

What I have argued for on Social Security—I have not advocated a raise in the retirement age. I have argued for increasing minimum benefits, which would raise benefits for about the bottom third of retirees and would take the elderly poverty rate from the current rate of 7 percent or so to 0 percent.

So, I think it is important to understand what I am. For better or worse, I have a very long, written record of advocating things, and so it is important to understand what I have advocated for and what I have not advocated for.

Senator BROWN. Okay; thank you.

The CHAIRMAN. I thank my colleague, Senator Brown, and I think there is a certain irony here. You know, Senator Brown has made this very important point that people have a chance to work and be independent—one of the challenges we have been dealing with, with respect to disabled folks. And it is Senator Brown, Senator Cassidy, and myself who have all put a lot of time into it.

So I think there is a certain irony here that as we move toward the end of this hearing, I think Senator Cassidy will be the last to ask questions. We have, again, this kind of bipartisan alliance that I am particularly appreciative of, that Senator Brown and Senator Cassidy have been leading. I am kind of one of their wingmen or something, I guess you would say, to support it, because I think it is an important cause.

Senator Cassidy?

Senator CASSIDY. Thank you. And I would say the position that you would be holding would be a policy position, at least a policy advisory position. And, Mr. Biggs, I am sorry I was out for a bit of it, so you may have already discussed this. But we all know that there is a looming insolvency of the trust fund.

At that point, under current law, benefits will be cut by 24 percent across the board. You will be in a position of policy. You have criticized other proposals, and you have mentioned in your writings of the past, that you have to cut benefits—at least as you approach it—you have to cut benefits or raise taxes. Which of those would you recommend?

Mr. BIGGS. The Social Security Advisory Board, to my knowledge, has never made recommendations——

Senator CASSIDY. But if you had to—I think it is important, because the whole point here is, we want people with expertise. We want people with expertise who actually can weigh in and perhaps echo a good proposal or poo-poo a bad one.

Mr. BIGGS. Okay. I just want to be extremely clear here though, that in the role as a member of the Social Security Advisory Board, these are not the sorts of questions the Advisory Board would ever address.

Senator CASSIDY. Oh, I thought they discussed policy. No?

Mr. BIGGS. If you look back at what the Advisory Board has done——

Senator CASSIDY. But I am just going to tell you straightforwardly, that they discuss policy. So would you cut benefits or would you raise taxes? If you were the czar for the day, what would you do?

Mr. BIGGS. What I have argued for is gradually, over time, transitioning to a benefit structure that is more focused on maintaining and protecting against poverty in old age for the lowest income retirees, and reducing the growth—which, relative to current law benefits does mean cutting benefits, particularly at the high end and to a more limited degree at the middle.

Senator CASSIDY. Now of course the issue, as we know, is that Social Security cannot tell the difference between the ICU nurse who has been working at the tax max from the billionaire. It just cannot. And so the ICU nurse who has worked for 20 years at the tax max may wonder why her benefits are being reduced. We imagine, as President Biden does all the time, that it is only those making over $400,000 a year.

But really, inflation-adjusted, it is $160,000 a year. So would you reduce the benefits for that person making $160,000 a year? Is that who you—knowing that is how Social Security defines it, is that how you also define it?

Mr. BIGGS. Sure. Somebody who earns the tax max, which is currently about $168,000 for their full career, would retire with a benefit somewhere north of $45,000 per year. For a couple, that comes to $90,000 a year in Social Security benefits. I think that is more than is—that is something like four times the elderly poverty threshold. I think that is more than sufficient.

Senator CASSIDY. So, if that couple lives in San Francisco, for example, they would say that $90,000 does not take them very far in San Francisco.

Mr. BIGGS. Sure.

Senator CASSIDY. But I gather from your benefit—because you are very critical of mine, which is trying to avoid that. But that assumes that there is an alternative. But I guess under your plan, the couple making $90,000 in a high-cost area would just have to move?

Mr. BIGGS. Well, Social Security does not distinguish between the cost of living between different parts of the country, and for better or worse, that is the design of the program. But my own point of view is that Social Security is intended—principally is a social insurance program to protect against poverty in old age.

I do think paying a couple a benefit of over four times the elderly poverty threshold before they have touched a penny of their own savings is probably more than is necessary.

Senator CASSIDY. But the elderly poverty ratio is pretty low. I mean, if you look at what poverty is, the poverty threshold is low, and so I do not know if we can look at that poverty threshold and say, "Oh my gosh, if you are doing better than that, you are doing pretty well."

I am just struck, because it is easy to get out there and throw stones at people, but then when you get to the kind of brass tacks, where do people live and how are they going to live, it is lot harder. You are going to be in that role. It will not be, you know——

Mr. BIGGS. I do want to be very clear. I mean, the Social Security Advisory Board does not look at these sorts of questions.

Senator CASSIDY. Oh, I thought it did policy.

Mr. BIGGS. It does not. It does not look at those sorts of questions you raised.

Senator CASSIDY. I saw that it was all kind of policy. It included policy, that when Moynihan came up with it—I am seeing some heads nodding in the back—that it was supposed to be doing policy.

The CHAIRMAN. The Board makes recommendations with respect to the program, but they do not make formal policy. So——

Senator CASSIDY. They do not make the policy, but they make recommendations?

The CHAIRMAN. Correct; that is correct.

Senator CASSIDY. Right.

The CHAIRMAN. Yes, they make recommendations.

Senator CASSIDY. And that is where I was going with that.

The CHAIRMAN. Right.

Senator CASSIDY. Because really, we've got to come up with a way to do this.

Now, just to put a point on it, obviously I have spoken about my big idea, which you called a capital gains tax. I am a little bit curious about that. If the goal is that we want to hold harmless those who are less well-off, and there is a marginal decline in rate of return theoretically for those because of our big idea, which I will not elaborate but would love to otherwise—and I have spoken to different members of this committee, and they know about it.

That would disproportionately affect, to the degree that that marginal effect would occur, those who are better off. But it would leave that nurse, who is at the tax max for 20 years, basically unscathed except insofar if she is in a 401(k) or something.

I say that not expecting your comment, because you have made these comments in the past. But I think it is important for the position of people advising on policy to move beyond the facile answer that sounds so great when you disassociate it from someone's life, and try and connect it with where someone lives.

Ivory towers are easy places to reside, and politics is tough, because we do run into these people, and we do have to accommodate for them. I say that for any of you. As you are advising on policy, move beyond the theoretical and the comfort of a sinecure—no offense—and to where someone lives who otherwise has nothing else to live on.

With that, I yield.

The CHAIRMAN. I thank my colleague, and Senator Tillis is next.

Senator TILLIS. Thank you, Mr. Chair. I did not think I was going to be able to make it here, but I watched the exchange with Senator Brown, and he inspired me to come down here. I also saw that Senator Cassidy was next, and I wanted to be on what I consider to be his wing for a very, very important discussion that we are having here, that people talk past at every chance they get, and that is getting Social Security on a sound footing.

I decided to work at a convenience store that was literally right next door to my house in 1972. I was 12 years old. I had to apply for a work permit. I got a work permit and made my first payment into Social Security at the age of 12 in 1972, $33, and I have made payments every year since.

I think that we—I get, Mr. Biggs, what you said about how you do not propose policy, no more than the Fed will propose policy. They implement policy; they react to it. But I would like to get just an indication from you all. Ms. Tellez, you get a pass. I intend to support your nomination. I like the fact that people in the South pronounce my name like yours, Tellez.

But in fact, I hope that I get to support all of your nominations. It is going to be largely dependent upon whether or not we have bipartisan support for the slate. But I would like to get your understanding.

I had a very interesting discussion with a very, very smart Senator on the Senate floor about the future of Social Security. I for one think that we could be headed for a crisis, based on the current course and speed if we do not make reforms over the next 10 years.

Now this very smart person—this was on the Senate floor—he said, "Tom, you all always say that, and when we have a crisis, we write a check." Well, that may have been possible in the past, but now that we're at a point of $34 trillion in debt, there is nothing to draw on. There is no overdraft protection.

If we run into solvency problems with Social Security in its current structure, it will come in the form of betraying a promise that we made to people who are on it, and people who are close to getting on it. I am making a statement here. I want you all to tell me whether you kind of agree with it, or you disagree and everything's pink skies and flowers, in the time that I have left.

But we are not talking about—Senator Cassidy has done an extraordinary job of getting Republicans and Democrats together in private meetings, to talk about what we need to do here. We are not talking about Senator Brown's tradespeople who are 55 years old and suddenly changing their eligibility date. We are not talking about their 35-year-old son or daughter who may be pursuing the same thing. What we are talking about is, over time, changing eligibility because of the reality that we are living longer and we are healthier, and we have fewer problems than we have had in the past.

And if we do not start aligning our policy with the reality of demographics and indexing properly, we are not going to be able to write the check. Now in the remaining 1½ minutes, tell me I am wrong, everything is happy, and we need to do nothing with respect to means testing at the high end to potentially reduce the benefit for people who really do not need it, for lifting people out

of poverty and making damn sure the promise we are making today is fundamentally there for the next two generations behind those who are already on it.

And we will start with you, Mr. Biggs.

Mr. BIGGS. In the year 2034 when the trust fund is projected to run out, sort of the cash deficit on an annual basis for Social Security will be somewhere around $450 billion in today's money. Even by congressional standards, that is a great deal of money.

So obviously, something is going to have to happen to address this. The usual caveat is—in the 20 years or so that I have followed the Social Security Advisory Board's work, they do not have the sorts of discussions that I just had with Senator Cassidy. It is a separate track, but I think you are accurately characterizing the challenges that we face.

Senator TILLIS. Ms. Lewis?

Ms. LEWIS. Thank you, Senator. I think the role of the Social Security Advisory Board is to look at issues, research and analyze, and come to a consensus across the seven members of the Board. And I think I would be both deferential and interested in debating the need for changes or reforms to the Social Security programs within the context of the Board.

But I am not an economist, and at this juncture I think I just need to promise that I will listen and that I will work hard with my colleagues to make recommendations.

Senator TILLIS. Ms. Lang?

Ms. LANG. Thank you, Senator. I agree with your characterization of the coming crisis in the Social Security trust funds. And you know, as my colleagues have mentioned, the role of the Advisory Board does not generally extend to the trust funds.

In the coming crisis, we might feel like we need to address it, but it is the role of Congress to make the tough choices.

Senator TILLIS. I agree. I just think at some point we've got to get out of the circular discussion. In reality, you will be able to spend as much time as you are willing to commit to this issue in your capacity on the Board. We are going to deal with 20 different key topics before the sun sets tonight as members of the U.S. Senate.

If we do not have people who are stewards over the process, saying "this is something you should look at"—not prescribing how to fix it, but there is something other than the current course and speed that must be done. I do believe that that is within your purview, and I do think that it is critically important our members of the Board, at the time that this fails, will be every bit as responsible as the members in Congress who refuse to act on it.

Thank you all for being here. Congratulations on your nominations.

The CHAIRMAN. Thank you, Senator Tillis.

Senator Cardin?

Senator CARDIN. First, let me thank the four of you for your willingness to serve. These are tough times to serve in public life, and we thank you very much.

I have a direct interest in the Social Security Administration for many reasons, not the least of which being that their headquarters are located in my community in Maryland. So we very much are

concerned as to how the workforce is respected and supported, and how services are provided to the millions of people who depend upon the Social Security Administration.

I do want to make a brief comment. I was not here during Senator Brown's comments, but that does not prevent a Senator from assuming what he said and responding to it.

I want to agree with Senator Tillis. Ms. Tellez, you have a good pronunciation of your last name for credibility in this institution. We just want you to know that, and I just want to point out, retirement security is one of the major concerns for American families.

We have a three-legged stool. I have worked through my entire congressional career, starting in the House, to strengthen the private retirement options that are available for retirees. I am proud of the work I did with Senator Portman in enacting major legislation to give new opportunities to expand retirement security through private retirement. I want to thank the leadership of this committee, Senator Wyden and Senator Crapo, for the work we did on SECURE 2.0, that enhanced those private retirement options. That is critically important.

Second, we need to enhance private savings, the second leg of the stool. I have put forward a progressive consumption tax that rewards savings. I think we put too much of a tax on savings in America, and we should reward private savings.

And then there is Social Security, which to me is the most important leg of the three-legged stool. I applaud Senator Cassidy for his initiative to strengthen Social Security. I may not agree with everything in his proposal, but I do think we have to protect the guaranteed annual payment without worrying about inflation, without worrying about the stock market.

We need to make sure that the guaranteed income is available, and the benefits are maintained and strengthened for those who particularly need them. So I just want to point out, I think there is bipartisan agreement that we have to strengthen all three legs of the retirement security stool for American families.

But the question I want to ask you about is a more pragmatic concern. We have asked the Social Security Administration to do more with less resources over the last decades. The number of people getting benefits has grown, the complexity of the system has only gotten more challenging, and the support for the administrative budget has only gotten lower over time.

We did the right thing in confirming Governor O'Malley as the Commissioner. I have a great deal of confidence that he will use the resources in the best way to provide services to those who depend upon the Social Security Administration.

But my question to you is, what is your commitment to improve worker morale at the Social Security Administration? How will you work to make sure that those who depend upon Social Security can get timely responses on the phone, timely decisions on determinations, have the services in their local community that they need, including the local offices?

How will you make sure that those services are protected, so that the people who depend upon the benefits of the Social Security Administration can get timely advice and timely benefits determina-

tions? Why don't we just go on down the line. I will start with Mr. Biggs.

Mr. BIGGS. I think your point about worker morale at SSA is well taken. If you look at surveys of Federal agencies, of morale in them, Social Security tends to rank quite low there. During my time at the agency, from 2003 to 2008, based on that, I could not tell you precisely why that is.

There may be some very specific issues there. But I think there is the importance of feeling that you are making progress in your mission, and by that, I mean, going back 20 years ago when I started at SSA, there was always this struggle of processing disability claims, processing SSI, dealing with improper payments.

This is a longstanding issue, and so I think there probably is some frustration there that these things continue. They do not feel they are getting on top of them. So I think one thing the Advisory Board can do is help investigate, not simply what problems exist say with improper payments, which we are aware of, but why has it been so difficult to get on top of these things? Why has it been so difficult to modernize the data systems so that these are not such a difficult issue for the agency and for Americans? You know, when people think of Social Security, they think of retirement. From the agency's standpoint, it is disability and SSI which are the real challenges, and those are very difficult programs for them to administer.

Senator CARDIN. Mr. Chairman, if I can have an extra 30 seconds to give Ms. Lewis a brief reply, and Ms. Lang, I would appreciate it.

Ms. LEWIS. Sure. Thank you, Senator. I think, again, the role of the Advisory Board is to engage in understanding the "why" behind some of those issues in terms of the morale at the Social Security Administration, and we look forward to seeking additional information and data to understand why the morale issues are what they are.

And as you note, what we have seen is the number of employees who are there to serve an increasing number of beneficiaries has become disproportionately lower over time, and I think that has to be contributive.

Senator CARDIN. Ms. Lang?

Ms. LANG. Thank you, Senator. I agree with my colleagues that it is the role of the Advisory Board to look into these issues and bring an outside perspective. Sometimes within the agency it is hard to see beyond what is already happening and to think of alternatives.

So I think that it is the role of the Advisory Board to bring recommendations for how to address some of the issues that the agency is facing.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Whitehouse?

Senator WHITEHOUSE. Thank you very much.

Medicare and Social Security, it is indisputable that both are headed for a fiscal cash-flow cliff. So there is one fact. At President Biden's State of the Union address, there was a bipartisan standing ovation for the proposition that there should be no cuts to ei-

ther Social Security or to Medicare. So there is a second fact. There is a fiscal cash-flow cliff coming, and there was a bipartisan virtual pledge that Social Security and Medicare cuts were not on the plan.

If you do the math, that only leaves one more factor to avoid going off the fiscal cash-flow cliff, and that is revenue to Medicare and Social Security. While it is unfortunate that there are so many billionaires and so many large corporations that pay no taxes at all—or very modest tax rates compared to average folks who are plumbers or firefighters—that does create an opportunity to put Social Security and Medicare on a sound, long-term financial footing, victory 1, by taking some of the rot and injustice and self-dealing out of the tax code, making it fairer, victory 2.

So to me, that is a win-win, and I just wanted to take this moment to put a plug in for my Medicare and Social Security Fair Share Act, which would lift the FICA cap for those making over $400,000, consistent with President Biden's pledge, and require those with investment income above $400,000 to pay Social Security tax that wage earners have to pay.

It would increase the Medicare tax rate by 1.2 percent—not a frightening number—1.2 percent for income above $400,000, and it would close the loophole that for a long time has let hedge fund managers and other business operatives avoid Medicare taxes by treating their income as not wages but a distribution. That is often referred to as the Gingrich-Edwards loophole.

If we do that, the Social Security Chief Actuary said we can preserve Social Security's soundness. We can extend Medicare's soundness for decades, and we can give Americans enormous peace of mind that these programs are there for them and will continue to be there for them.

So to me, that is a big win. I was delighted to see President Biden suggest that this was going to be an important part of his work in the remainder of this term and into his next term. I think that if we can deliver for the American public a sound and solid Social Security, a sound and solid Medicare, and do that by making the tax code fairer, then we will have done very good work.

So, with that point made, I will yield back the floor and thank the chairman for his indulgence.

The CHAIRMAN. I thank my colleague.

And I don't want anybody to think I am filibustering. We have a Senator on their way, so I am going to ask about one other matter.

Ms. Lewis, in your opening statement, you talked about your daughter Zoe and her pride in her job, through integrated employment. You also mentioned that she is receiving Supplemental Security Income. Given your experience, what should the Board focus on given that experience in your household?

Ms. LEWIS. Well, thank you very much, Senator Wyden, for that question. It is a passion issue of mine in that I believe that there are many people receiving Supplemental Security Income benefits who are interested in working, but also experience many barriers to work.

We have a very low employment participation rate among the beneficiaries, despite many workforce incentive opportunities. I think it would be beneficial for the Board to look further into why

we have such a low take-up in terms of participation in the workforce among SSI recipients.

The CHAIRMAN. And what is the possible analysis going to be, why there is such a low take-up rate? Because you know, my understanding when I am talking to people at home, is that a lot of folks are just like your daughter.

Ms. LEWIS. Certainly. I think that there are many reasons. I think again, I would hope that the Board and the staff that supports the Board would be able to engage in further research. Anecdotally, we know that many families and individuals with lifelong disabilities perceive that they are not able to work, that they will lose their benefits, they will lose not only their SSI but their Medicaid and other critical benefits. And I think part of the work is ensuring that people understand. These programs are incredibly complex, and as the Senator mentioned earlier, it is very challenging for individuals with disabilities to navigate and manage these programs.

If there is an opportunity to offer recommendations to simplify both the communication and the administration of SSI so that individuals can understand the opportunity to work, I think that would be beneficial.

The CHAIRMAN. You are being way too logical for Washington, DC. But I mean, I remember when I ran the legal aid program for the elderly and the disability office was down the hall, literally I would get calls from individuals who were lawyers, they were engineers, and the call would always go the same way.

"Hi, Ron; how you doing? I remember seeing you at the Dairy Queen. You do the senior citizens. So you know, I am a lawyer or engineer, and I am trying to help mom, and I cannot sort through these programs. I cannot sort through all of these issues that we are talking about."

So good for you, and you take that simplification cause when you get to this position, and you just push very, very hard, because it is hugely important.

I have just a brief closing statement, because I am going to have to go. I am going to turn it over to Senator Warren to wrap up.

But I just want to say on my behalf that I thank the members for their participation. I especially want to thank our nominees for their responses. Based on what I have heard today, I strongly support Ms. Tellez's nomination. I urge members to do so.

I think Ms. Lewis and Ms. Lang would be valuable members of the Social Security Advisory Board. I strongly support their nominations. As I have indicated, I am troubled by Mr. Biggs and this definition of earned benefits, which I am still unclear on. He says that he was misquoted in the headline and the like.

We went back and forth, and he still is expressing a view that I believe could undermine a fundamental foundation of Social Security, this matter of this being earned benefits. I will tell the people on this panel I have supported that since the days when I had a full head of hair and rugged good looks and I was director of the Gray Panthers. I am not changing now. I am just not changing now. So I cannot support Mr. Biggs's nomination.

Just procedurally, regarding questions for the record, the deadline for members to submit questions will be next Monday, Feb-

ruary 5th, at 5 p.m. The deadline, colleagues, is firm. Senator Crapo and I have discussed this.

And I just want to, in turning things over to Senator Warren, thank all the members who have come for their cooperation. Senator Warren will ask the questions at this point, and then she will adjourn the hearing.

And, Senator Warren, please proceed.

Senator WARREN. Thank you very much, Mr. Chairman.

So all of my colleagues here today agree that Social Security has a solvency problem, which threatens the retirement security of 70 million seniors who have spent their entire lives paying into this program.

That leaves us with two options. One, we can shore up the program's finances by making the wealthy pay their fair share; or two, we can cut benefits for millions of hardworking Americans who rely on Social Security to make ends meet.

Now today, the payroll tax that funds the program does not apply to income above $160,000. That means that Jeff Bezos and Elon Musk, the richest men in the world, contribute to the Social Security program just as much as your neighborhood dentist. Put a different way, while most Americans spend the entire year paying into the program, these men met their obligation within seconds into their work in the New Year.

Now, Mr. Biggs, you have been nominated to serve on the Social Security Advisory Board, which provides advice on how to strengthen Social Security. I want to ask you just a series of questions on how you would advise Congress on addressing the program's solvency issues. First, at a Senate Budget Committee hearing in July, you said that raising taxes on higher-income people was "inconsistent with Social Security's history and philosophy" and "unnecessary given the already record high levels of Social Security benefits."

So, I just want to be clear on this. Do you still oppose raising the payroll tax cap for higher-income earners?

Mr. BIGGS. To be clear, the sorts of issues you are raising right now have never come under the purview of the Social Security Advisory Board. There is no——

Senator WARREN. I am asking for your view, and I am quoting what you already said. I just want to be clear. Do you still oppose raising the payroll tax cap for higher-income people? It is a pretty simple question.

Mr. BIGGS. I would prefer not to do it. I could easily——

Senator WARREN. So, you oppose it? Okay.

You know, raising the payroll tax income cap so that the wealthiest Americans pay their fair share would extend Social Security's solvency by 75 years. But if you take raising revenue from the wealthiest people off the table, then that leaves one option to extend Social Security's solvency, and that is benefit cuts.

Now, one proposal that Republican policymakers have offered is to raise the retirement age. Mr. Biggs, you have previously explained that raising the retirement age would cut benefits for American workers across the board, is that right?

Mr. BIGGS. That is correct.

Senator WARREN. Okay. And yet you sat before this committee about a decade ago defending Republican calls to raise the retirement age, claiming that Americans' biggest risk on the job was "carpal tunnel syndrome from their mouse." So that is my last question, Mr. Biggs.

Your plan to address Social Security's solvency, which you have called the "flat benefit plan" would, in your words, "mean lower future Social Security benefits for middle- and high-income earners." So, do you still support cutting benefits for middle-income workers?

Mr. BIGGS. What I have proposed would in fact pay lower benefits in the future to middle- and high-income earners than what is scheduled under current law.

Senator WARREN. Okay. Look, the point of the Social Security Advisory Board is to provide recommendations on strengthening Social Security for America's workers. I just do not understand why we are being asked to confirm someone whose plan for strengthening Social Security is to gut its protection.

But in all fairness to Mr. Biggs, his views are not extreme outliers. His plan is the Republicans' plan. Republican policymakers have spent years trying to undermine Social Security by pushing to reduce benefits, to raise the retirement age, and to cut payroll taxes that keep the program alive.

As we speak, Republicans in Congress are trying to force through a fiscal commission that would fast-track cuts to Social Security and Medicare. And, after moving to defund the program in 2020, former President Trump vowed to look at cuts if he were to win a second term.

Democrats want to expand Social Security benefits, and we want to extend the program's solvency, so that Americans everywhere can retire with dignity. Those are the solutions that we should be working toward.

And with that, I think I am the last person to ask questions. This committee, this hearing, is now adjourned.

[Whereupon, at 11:37 a.m., the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF ANDREW G. BIGGS, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION

Chairman Wyden, Ranking Member Crapo, and members of the committee, thank you for the opportunity to appear before you today. I am honored that President Biden has chosen to nominate me for the Social Security Advisory Board, and I am grateful to Minority Leader McConnell for the support he has shown to me throughout this process. I also wish to thank both the majority and minority staff for their help in preparing for my nomination and this hearing.

As you know, the Social Security Advisory Board provides policymakers with material to inform both the efficient and effective operations of the Social Security Administration, as well as to assist Congress and the President in thinking about larger Social Security policymaking, including how to maintain the solvency and effectiveness of this crucial program.

The Board's assistance is particularly important today. The SSA faces significant administrative challenges, such as reducing improper payments and ensuring that recouping the improper payments that do occur takes place in a humane and economically non-disruptive manner. Likewise, the Social Security program as a whole faces an actuarial deficit over the next 75 years, and its combined trust funds are projected to be exhausted in 2034.

It is not the Board's mission to promote solutions to either administrative or solvency challenges. Rather, the Board seeks to facilitate a process by which both agency officials and elected policymakers can make informed choices on behalf of the public.

I believe I am well positioned to contribute to the Board's work. I served in the Social Security Administration from 2003 through 2008, rising from Associate Commissioner for Retirement Policy, to Deputy Commissioner for Policy, to the Deputy Commissioner of Social Security, the second-ranking official in the agency. I also served as Secretary to the Social Security Board of Trustees, as well as participating in the staff-level working group that constructs the annual trustees reports.

In addition, I have a long history of working on Social Security policy and solvency, including in my current position as a senior fellow at the American Enterprise Institute. I have published widely on Social Security and retirement issues, ranging from academic articles in peer-reviewed journals that have received hundreds of academic citations to op-eds designed for policymakers and the general public.

I hold a bachelor's degree from the Queen's University of Belfast, Northern Ireland; master's degrees from Cambridge University and the University of London; and a Ph.D. from the London School of Economics.

It is important that the Advisory Board work in a collaborative and bipartisan fashion, with no political agenda or ulterior motive. I believe the Board currently operates in that manner, and that I have the experience to continue that work.

Since 2016 I have served as a member of the Financial Oversight and Management Board for Puerto Rico, which oversees the island's bankruptcy and financial restructuring. I was initially appointed by President Obama, then reappointed by President Trump. While the Oversight Board is composed of a mix of Democratic and Republican appointees, and while the Board has been forced to confront a large

number of extremely difficult issues, of the hundreds of decisions made by the Oversight Board, only a very small number were not decided by consensus.

And while Social Security is itself a highly contentious issue—the so-called "third rail" of American politics—I have myself maintained strong and friendly relationships even with analysts holding views opposed to my own.

Thank you again, Mr. Chairman, Ranking Member Crapo, and members of the committee, for the privilege of appearing before you today. I would be pleased to respond to your questions and look forward to earning your support today and in the future.

SENATE FINANCE COMMITTEE

STATEMENT OF INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Andrew George Biggs.
2. Position to which nominated: Member, Social Security Advisory Board.
3. Date of nomination: May 13, 2022.
4. Address (list current residence, office, and mailing addresses):
5. Date and place of birth: January 3, 1968, North Tarrytown, New York (renamed Sleepy Hollow).
6. Marital status (include maiden name of wife or husband's name):
7. Names and ages of children:
8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):

   2004–2008 M.Sc. Financial Economics, University of London.

   1992–1995 Ph.D. Government, London School of Economics and Political Science (formally, my doctorate is from the "Faculty of Economics, with specialization in political theory," but I did most of my work in the government department and had I completed my Ph.D. in the U.S. it would have been termed as government or political science.)

   1991–1992 M.Phil. Social and Political Theory, Cambridge University.

   1988–1990 B.A. Philosophy and Scholastic Philosophy (Honors), Queen's University of Belfast.

   1986–1988 Middlebury College.

9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

   2008–present Senior fellow, American Enterprise Institute.

   2016–present Member, Financial Oversight and Management Board for Puerto Rico. Appointed by President Obama, 2016; reappointed by President Trump, 2020.

   2007–2008 Principal Deputy Commissioner, Social Security Administration.

   2007 Deputy Commissioner for Policy, Social Security Administration.

   2005 Associate Director, White House National Economic Council.

   2003–2007 Associate Commissioner for Retirement Policy, Social Security Administration.

   1999–2003 Social Security analyst, Cato Institute.

   2001 Staff Analyst, President's Commission to Strengthen Social Security.

1998–1999 Director of Research, Congressional Institute.

1996–1998 Assistant Communications Director, House Committee on Banking and Financial Services.

1990–1991 Legal assistant, law firm of Cravath, Swain, and Moore.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments held since college, including dates, other than those listed above):

2016-present Member, Financial Oversight and Management Board for Puerto Rico.

2007–2008 Principal Deputy Commissioner, Social Security Administration.

2007 Deputy Commissioner for Policy, Social Security Administration.

2005 Associate Director, White House National Economic Council.

2003–2007 Associate Commissioner for Retirement Policy, Social Security Administration.

2001 Staff analyst, President's Commission to Strengthen Social Security.

1996–1998 Assistant Communications Director, House Committee on Banking and Financial Services.

Present: Budget Committee, City of Klamath Falls, Oregon (unpaid).

Present: Audit Committee, City of Klamath Falls, Oregon (unpaid).

Present: Elected Officials Compensation Committee, Klamath County, Oregon (unpaid).

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.,* limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

As a researcher, my affiliations with outside organizations have generally been on a project basis rather than a permanent affiliation. For instance, I have produced research for the Center for Retirement Research at Boston College and the Pension Research Council at the University of Pennsylvania. But these are not formal, ongoing relationships. In September 2022 I will begin a 1-year policy fellowship with Stanford University's Institute for Economic Policy Research.

Among the organizations for which I have performed ad hoc compensated work in the past 5 years are:

- Pew Charitable Trusts
- East-West Institute
- Show-Me Institute
- Mercatus Center
- National Affairs
- Ethics and Public Policy Center
- The Rockefeller Foundation at the State University of New York
- The RAND Corporation
- George Mason University
- The Yankee Institute for Public Policy
- MITRE Corporation
- The YG Policy Center
- Gerson-Lehrman Group
- Americans for Prosperity Foundation
- Platte Institute for Economic Research
- Templeton Foundation
- Delaware Public Policy Institute

I am happy to discuss any of this work.

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):

First Presbyterian Church, Klamath Falls, Oregon. 2012–present.

International Pension Research Association (IPRA).

American Economic Association.

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate dating back to the age of 18.

None.

b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

I have attended several meetings of the Klamath County (Oregon) Republican Party and was named a neighborhood captain (or something along those lines), but have not had an active role.

Like many research analysts, I have consulted with various candidates for political office regarding my areas of expertise. I have never been compensated for such work and I have never worked exclusively for a single candidate in a given election.

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years prior to the date of your nomination.

These are the only contributions I can find in the FEC donor database:

John McCain 2008 Inc. VA 08/30/2008 $7.00.

John McCain 2008 Inc. VA 08/30/2008 $100.00.

Bush-Cheney 2004 Inc. 07/20/2004 $500.00.

I have made several contributions in Oregon local government elections. I am not able to find details of these transactions, but I believe these include donations to Donnie Boyd (Klamath County Commissioner, I believe once for $500 and a second time for $1,000); to Kelley Minty Morris (Klamath County Commissioner, I believe for around $200); and to Dave Henslee, Klamath County Commissioner, $250). The Klamath County Commissioners are nonpartisan offices.

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

Co-vice chair, Society of Actuaries Blue Ribbon Panel on Underfunding in Public Pension Plans (2013–14).

Named by *Institutional Investor Magazine* as one of the 40 most influential people in the retirement world (2014).

15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

After 2 decades in public policy these are too numerous to be listed. However, I have tried below to make my written work more accessible.

While employed at American Enterprise Institute: PDF with links to all publications while at AEI can be downloaded from *https://drive.google.com/file/d/16M0CwJFi0sB80odfaZpolGXQVjSYWUSp/view?usp=sharing.*

My AEI page is updated regularly as new articles are published.

Social Security Administration: *https://www.ssa.gov/policy/authors/BiggsAndrewG.html.*

Cato Institute: List of publications with links available at: *https://www.cato.org/people/andrew-biggs.*

Google Scholar: Mostly academic studies, *https://scholar.google.com/citations?hl=en&user=yL1J5QgAAAAJ&view_op=list_works &sortby=pubdate.*

16. Speeches (list all formal speeches and presentations (*e.g.,* Power Point) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates):

It is rare for me to present a formal written speech, outside of congressional testimony. In most cases I work from notes. However, I have tried to gather material that may be helpful.

The following document has links (generally including video) to all events in which I have participated at AEI: *https://docs.google.com/document/d/132ujddVfWjNI8pkBejR8iynk0BOHOC2H/edit?usp=sharing&ouid=103717468443627397338&rtpof=true&sd=true.*

The following provides a list of recent non-AEI events at which I have participated, which I believe to be reasonably exhaustive. I am happy to discuss any of these events and to search for video, notes, etc. of a particular event if there is interest.

- August 27, 2020. Ask the experts: State and local pension reform. Video interview with Truth in Accounting.
- August 18, 2020. Pandemic relief: Long-term care and payroll taxes. Video interview with The Concord Coalition.
- June 17, 2020. Interview on Social Security and COVID downturn. Ric Edelman show.
- June 12, 2020. COVID–19 takes State pensions for a ride, "Cato Daily Podcast."
- March 8, 2020. YouTube interview on retirement savings with Heritage Wealth Planning.
- February 14, 2020. YouTube interview on retirement savings with Heritage Wealth Planning.
- January 9, 2020. 401(k) Fridays Podcast with Ruck Unser.
- March 20, 2019. Event on paid parental leave held at University of Michigan.
- April 11, 2019. Presented at Investment Company Institute conference on retirement savings.
- April 29, 2019. Presented at Milken Institute annual conference on retirement savings.
- May 1, 2019. Presented paper at Pension Research Council annual conference.
- June 30, 2019. Speaker at Social Security Advisory Board conference on microsimulation models of retirement savings.
- November 7–8, 2018. Speeches in Missouri on public sector pension reform. Along with speeches, met with Missouri Attorney General on pensions.
- November 2, 2018. Discussant at Brookings conference on age discrimination and retirement.
- October 9, 2018. General session presentation on retirement savings adequacy to American Council of Life Insurers annual conference.
- September 26, 2018. Presentation on multiemployer pension reform to House/Senate staff.
- September 21, 2018. Spoke at public sector pensions conference at Harvard Kennedy School.
- August 2, 2018. Discussant at annual conference of the Retirement Research Consortium, Washington DC.
- June 21, 2018. Spoke at Heritage Foundation event on reform in Puerto Rico.
- February 2, 2018. Presentation to Mercatus Center conference on Social Security policy and labor supply near retirement. Arlington.
- March 9, 2018 I Paper Presentation to RAND Corporation. Teacher Pension Workshop: Connecting Evidence-Based Research to Pension Reform. Santa Monica.
- April 17, 2018. Presentation to NBER/SSA conference on public sector pensions. Washington, DC.
- April 30, 2018. General session presentation to Plan Sponsor Council of America conference on the retirement crisis. Phoenix.
- October 19–20, 2018, presented paper at Harvard Kennedy School conference: "Gathering Storm: the Risks of Public Pension Underfunding."

The following document provides links to congressional testimony I have delivered while employed at the American Enterprise Institute: *https://docs.google.com/document/d/12i9aLF9qvPfn8mt_mKPlpupVeLv5V4P3/edit?usp=sharing&ouid=103717468443627397338&rtpof=true&sd=true.*

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

To serve on the Social Security Advisory Board optimally demands knowledge both of the Social Security program, as it affects America's retirees, disabled workers and survivors, as well as of the Social Security Administration, the agency that administers that program. In practice, these are often separate fields of knowledge. Many individuals have a background in one or the other, but I have been lucky enough to gain experience in both. I have researched widely on Social Security as a public policy issue and am generally regarded as one of the leading Social Security and retirement analysts working in Washington, DC. However, I also have worked in several positions within the Social Security Administration and have knowledge of how the program is administered. As Deputy Commissioner of Social Security, I served as Secretary of the Board of Trustees and participated in the staff-level working group at which most of the substantive issues involved with the trustees report were discussed and decided upon. I have attended a number of Social Security Advisory Board meetings and in the past been asked by the Advisory Board to present to a Board conference on the use of microsimulation models in analyzing Social Security benefits and retirement income adequacy. I believe I can effectively contribute to the Board's mission and collaborate with other Board members.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

   The position for which I am being considered does not require me to sever all connections with my current employers or associations. I will however be bound by ethics agreements made with the Office of Government Ethics (OGE), and will sever any current or future potential or actual conflicts of interest that are identified by OGE.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

   I will maintain my current positions at the American Enterprise Institute and the Financial Oversight and Management Board for Puerto Rico and will undertake other activities as I have in the past, contingent on time available.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

   No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.

   None.

2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   I am aware of no such potential conflicts.

3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.

As an employee of a think tank, I regularly opine on the merits or demerits of various proposals, including legislation. However, I am not allowed to and thus do not lobby for or against any legislation.

4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

Not applicable.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

Not applicable.

D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (*e.g.,* an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than a minor traffic offense? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.

No.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I have a strong research background on the Social Security program and related retirement issues, and have a number of years experience working at the Social Security Administration. I believe I could help the Social Security Advisory Board in its mission to provide advice to the presidential administration, Congress, and the Social Security Administration regarding ways for Social Security to continue to provide economic security to covered workers and their families.

E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

QUESTIONS SUBMITTED FOR THE RECORD TO ANDREW G. BIGGS

QUESTIONS SUBMITTED BY HON. BILL CASSIDY

SSA OPERATIONAL CONCERNS

Question. 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 and 800 number wait times; overpayments; electronic systems modernization; outdated dictionary of occupational titles; poor employee morale—*lowest in the entire Federal Government;* and lack of performance metrics provided to Congress by SSA.

With this in mind, can you describe how your background can help Congress better understand the current serious operational issues facing SSA?

Answer. During my time at the Social Security Administration from 2003 to 2008, I sometimes spoke of a distinction between "big P policy" and "small P policy," where the former refers to the sorts of decisions that Congress must make to ensure solvency—raise taxes, increase the retirement age, reduce benefits and so forth—while the latter refers to operational policies and regulations that ensure that the SSA can provide speedy and accurate service to the public. Most people are, at most, familiar with one or the other: that is, most policy analysts are concerned with "big P policy" while most employees of the SSA focus on "small P policy." Having worked both inside and outside of the agency I am familiar with the agency's challenges and concerns regarding issues such as reducing disability hearing waiting times and improper benefit payments. While it obviously has been a number of years since I worked at the SSA, I have sufficient familiarity with these operational challenges to help the Advisory Board in contributing to overcome them.

Question. 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?

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?

Answer. The SSA maintains performance and productivity statistics at the component level to assist in tracking and managing operations. However, these figures are often not easily accessible and, in any case, may not be understandable to policymakers.

It is possible to generate a very rough measure of the cost of processing claims, by dividing administrative costs by function—meaning, either the Old-Age and Survivors (OASI) program or the Disability Insurance (DI) program by the number of benefit claims awarded. These figures are, to be very clear, approximate. They look at the number of benefit claims awarded, not the number of claims made. Moreover, they implicitly assume that the SSA does nothing other than process claims, when in fact it does carry out other functions.

Nevertheless, these figures may be helpful. Measured in inflation-adjusted dollars, the per-claim cost for the OASI program declined from $1,571 in 1975 to $839 in 2022. While there were small variations from year to year, the decline in per-claim costs was more or less continuous, likely reflecting improvements in technology applied to retirement and survivors claims processing, such as replacing paper-and-pencil processing with computers and, later, online processes.

On the other hand, the per-claim cost for the DI program increased from $1,132 to $3,842 between 1975 and 2022. While the DI program has been able to utilize technology, it also has been forced to address the increasing complexity of disability claims, some of which stems from legislation, regulation or judicial decisions regarding the DI program.

Contrasting falling OASI claims costs with rising DI claims costs may be informative to Congress and the executive branch in considering steps that might streamline the DI application and consideration process in ways that reduce costs for the SSA and waiting times for applicants, while maintain the fairness and effectiveness of the agency's ultimate decisions.

Question. 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.

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?

Answer. Prior to serving on the Board, I cannot provide informed comment on whether a restructuring would improve the Board's capabilities. I would note that MedPAC takes on a more assertive role in making policy recommendations than does the Social Security Advisory Board, which has often limited itself to provide information that might guide policymakers' decisions. The Board could take on a more active role similar to MedPAC, but at the cost of at times potentially drawing itself into controversies over policy. If the Board were to adopt such an approach, it is my view that such a change should occur only with a consensus of the Board and with the leadership of the main committees, including the Senate Finance Committee, that the Board's work product is designed to assist.

SOLVENCY—SSAB ROLE

Question. As I noted in my previous question, there are many other outside groups that provide great advice to Congress on issues related to Social Security solvency issues. On top of that, SSA's own research divisions and the SSA Actuary provide great data and research to Congress. So I am wondering where the SSAB fits into this?

In the testimony that you submitted to this committee, you stated that:

> It is not the Board's mission to promote solutions to either administrative or solvency challenges. Rather, the Board seeks to facilitate a process by which both agency officials and elected policymakers can make informed choices on behalf of the public.

You have provided advice and research to Congress on solvency matters for many years, including to my staff, as part of your work in your day job at AEI. Do you believe the role the SSAB plays here is duplicative or complementary to the work of these other groups? Is this work more important than helping Congress understand field office wait time problems, or learning about why the disability claims backlog is ballooning?

Answer. In general the Advisory Board's work is complementary to my own work as a senior fellow at the American Enterprise Institute. In part this is because the Board gives greater focus on operational concerns at the Social Security Administration while my own work tends to focus more on policy changes that Congress might make to structure Social Security to be more effective as social insurance and, of course, to remain solvent for future generations.

And, I would emphasize, in my work at the American Enterprise Institute I speak for no one but myself. AEI holds no institutional views, and it welcomes the fact that AEI scholars often disagree with one another. By contrast, the Advisory Board works as a group and seeks consensus between members who, by design, have a range of viewpoints and expertise. I anticipate that the overlap between my work at AEI and the Advisory Board would be far smaller than one might at first glance suspect.

QUESTIONS SUBMITTED BY HON. CHUCK GRASSLEY

Question. 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?

Answer. The Advisory Board in general assists Congress, the executive branch, and other policymakers by providing information that may inform their choices. For instance, the Board has convened panels to analyze the reasonableness of the trustees' projections for Social Security's finances, as well as other publications that outline various options to restore long-term solvency.

However, the Advisory Board has *not* advocated for specific policies, nor do I anticipate that it would do so in the future. Doing so could undermine the consensus-based bipartisan work that the Board was established to conduct.

Question. 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?

Answer. The Social Security Administration seeks to pay benefits promptly and accurately. It is sometimes said internally that the agency's credo is "the right benefit to the right person at the right time."

In two specific areas, however, SSA has encountered difficulties. These difficulties may need to be overcome with both internal policy changes undertaken by agency management, including the new Commissioner of Social Security, and potentially may involve regulations enacted by the executive branch and legislation passed by Congress.

The first challenge involves giving Americans the right benefit. For most retirement claims this is less difficult. However, Social Security Disability Insurance benefits and Supplemental Security Income benefits can be reduced or discontinued based upon the outside income or assets to which the beneficiary has access. As we discussed in the hearing, the receipt of additional income can result in overpayments, which the SSA then seeks to recoup. If these overpayments are large or continue undetected for a long period these benefit adjustments can be substantial and may cause hardship to beneficiaries.

Now, much of the problem is not SSA's fault. Beneficiaries are required by law to report additional income to SSA, yet many fail to do so. When that income is later discovered by other means this can result in the conclusion that an overpayment took place. SSA may need to do a better job of educating beneficiaries about their legal responsibilities, but beneficiaries nevertheless should report their income as required.

However, SSA could reduce problems with overpayments by relying more upon administrative data, which flows directly from payroll providers, the Internal Revenue Service, State workers' compensation agencies and other sources. These data can be often be complied quickly, are more accurate than individual reports and, because they are transmitted electronically, involve less cause and potential for inputting errors than reports compiled manually by SSA staff. This is a pressing issue that has remained unaddressed for too long.

Second, many applicants for Disability Insurance benefits are waiting too long to have their cases decided. It typically takes 3 to 5 months to receive an initial decision regarding a DI application. But for rejected applicants who wish to appeal the decision wait times for a reconsideration hearing in 2022 reached an average of 183 days, or over 6 months. For context, in Canada disability decisions are generally reached within 4 months. In the United Kingdom, the average time to decision is 5 months.

The SSA has long sought to streamline the application process while ensuring that each applicant is treated fairly using uniform standards for approval. Efforts to speed up the process are multifaceted. But Congress may wish to consider potential changes to streamline the process.

The Advisory Board has published research and held events on the Social Security Disability Insurance decision-making process in the past and will surely continue that work in the future.

Question. During the hearing, Democrats mischaracterized your past work in an attempt to demonize you as a supporter of slashing Social Security benefits. First, if there are any statements about your work that you did not get the opportunity to respond to during the hearing that you would like to clarify, please do so here. Secondly, please explain why simply taxing the rich is not a real solution to addressing Social Security solvency.

Answer. During the hearing, Senator Brown read a portion of a transcript of a 2013 hearing, in which I responded to a question from Senator Isakson. The quoted section of my response is as follows:

> "Go back to 1950, when we had a highly industrialized economy. You had coal miners, and farmers, and factory workers. The average age of initial Social Security claiming then was 68. Today, when your biggest on the job risk is, you know, carpal tunnel syndrome from your mouse or something like that, it's 63. . . . [T]he idea that we can't have a higher retirement age, I think it just flies in the face of the fact that people did, in fact, retire later in the past, and today's jobs are less physically demanding than they were in the past," adding that raising the retirement age is "something people should be open to."

However, the *immediate* following line of the transcript read, "In a proposal I did for AEI a few months ago, I did not propose raising the retirement age." I also reiterated in that same paragraph that raising the retirement age "is not something I say has to happen."[1] Since that hearing, over a decade ago, I still have not advocated for increasing the retirement age. It is unfair to my own years of experience on the issue to mischaracterize my views in such a way.

In fact, I have been quoted in *The New York Times* stating that raising the retirement age in response to average increases in longevity ignores the fact that such increases have been uneven.

> "You're essentially punishing low-income people for a problem they didn't cause," said Andrew Biggs, a retirement policy expert at the conservative American Enterprise Institute.[2]

The selective quotation of my work, relying upon an edited oral response to a hearing question from more than a decade ago, leaves these facts out.

Nevertheless, I stated that increasing the retirement age is not an unreasonable component to include as part of a Social Security reform package.

For one thing, an increase in the retirement age would be just one component of a larger Social Security reform. For instance, Social Security's actuaries project that raising the retirement age by 2 years, from 67 to 69, would address just 18 percent—less than one-fifth—of Social Security's long-term funding gap.[3] Other steps must necessarily be taken and these steps can be structured in such a way that the package as a whole is progressive and protects low-income retirees.

For instance, a reform might increase the normal retirement age by, say, 2 years, while raising benefits for low earners by 13 percent. This reform would still present incentives to delay retirement, in that the "target retirement age" would be seen to increase. But low earners would be protected even if they did not retire later.

Question. You have worked on Social Security from a variety of positions, ranging from time in the White House, to serving as the Principal Deputy Commissioner of the Social Security Administration, and now studying Social Security reform at the American Enterprise Institute. Based on your experience in these positions, please explain how you think Social Security can best be improved?

Answer. I would note explicitly that the Social Security Advisory Board *does not* advocate for specific policy reforms and that I would not do so in my role as a Board member were I to be confirmed.

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[1] *See https://www.congress.gov/event/113th-congress/senate-event/LC23308/text.*

[2] *See* Barro, Josh. "We're Living Longer. That's Great, Except for Social Security." *The New York Times.* Nov. 17, 2015. *https://www.nytimes.com/2015/11/17/upshot/were-living-longer-thats-great-except-for-social-security.html?_r=0.*

[3] *See https://www.ssa.gov/OACT/solvency/provisions/charts/chart_run136.html.*

However, I have elsewhere argued for gradually transitioning Social Security, over the course of decades, to more closely reflect the retirement systems in the United Kingdom, Australia, Canada, and New Zealand.[4] While these countries' retirement systems are not identical, they tend to focus resources more closely on preventing poverty in old age and less upon paying high benefits to middle- and upper-income workers. The maximum Social Security benefits, which for a couple retiring at age 67 in 2024 will exceed $96,000 per year, is two to three times higher than the maximum benefits paid in these countries that otherwise are similar to our own. For instance, were that same high-income couple to retire this year in the United Kingdom, they would receive just $30,000 in annual benefits. High earners respond by saving more on their own.

Focusing resources more tightly on the lowest-income seniors can provide better poverty protections than Social Security offers. Australia, for instance, guarantees against poverty in old age—which the combination of Social Security and Supplemental Security Income does not—while spending roughly half as much on their Old-Age program as does the United States.

Focusing benefits more closely on the poor may provide fiscal breathing room to address other, larger challenges such as Medicare, which are significantly more complex.

QUESTIONS SUBMITTED BY HON. TIM SCOTT

Question. One area I'm hoping you can commit to focusing on is the Social Security Administration's 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.

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?

Answer. Synthetic identity theft involves creating a false identity using names, Social Security numbers, and birthdates from various different people. Synthetic identity theft is particularly difficult to detect because it typically afflicts children, who otherwise do not interact with financial markets or their credit reports. In the process, it can potentially damage their ability to access credit as they enter adulthood, hurting their ability to use educational, auto or home loans. eCBSV allows permitted entities to verify if an individual's SSN, name, and date of birth combination matches Social Security records. As a member of the Board I would be happy to use the Board's resources to assist in this important mission.

Question. Social Security is a vital pillar of the American retirement system. Retirement and disability benefits represent approximately 30 percent of total income for the median beneficiary household headed by someone age 65 or over; for more than 1 in 10 of such households, Social Security provides at least 90 percent 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-percent 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

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[4] Andrew G. Biggs, "Rethinking Social Security in the Face of Economic Threats," in *American Renewal: A Conservative Plan to Strengthen the Social Contract and Save the Country's Finances,* ed. Paul Ryan and Angela Rachidi (Washington, DC: American Enterprise Institute, 2022).

realm, but we require an Advisory Board that is ready to collaborate with us in Congress to develop and improve solutions.

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

Answer. I will start by focusing on the statistics, produced by the SSA, that Social Security benefits constitute 30 percent of the total incomes of Americans 65 and over, with 1 in 10 households receiving 90 percent or more of their income from the program. In 2003, the year I began work at the SSA, the agency published a figure stating that Social Security benefits made up *39 percent* of incomes of Americans 65 and over, and that one-third of seniors received 90 percent or more of their income from Social Security.[5] These figures have changed dramatically over time. What happened?

During the time I worked in SSA's Office of Policy, SSA career staff produced research demonstrating that the household survey data used to produce datapoints such at the 30 percent figure published in 2003 were faulty, as those data failed to fully account for the income that seniors received from private retirement plans such as pensions and retirement accounts. In 2012 I published an article in *The Wall Street Journal* showing that the data used by the SSA ignored fully 60 percent of the benefits seniors receive from private retirement plans, thereby overstating those seniors' dependence on Social Security.[6] Subsequent work by the SSA, the Census Bureau and others confirmed those claims, and today the SSA is using more accurate data. Understanding the strengths and weaknesses of data is essential in presenting figures that are informative to policymakers who must make important decisions regarding the Social Security program. I believe I can be helpful in that regard.

The Advisory Board does not advocate for specific Social Security reforms or even a general direction of reform. However, simply providing policymakers and the public with accurate data can be useful. For instance, just as SSA's previous data overstated seniors' dependence on Social Security benefits, accurate data show that middle- and higher-income retirees are better off than ever. According to the OECD, for instance, the median U.S. senior has the second highest disposable income in the world, behind only Luxembourg. High-income U.S. seniors are better off yet. While Social Security's insolvency would trigger a 23 percent across-the-board benefit reduction, to new and existing beneficiaries alike, policymakers have available to them many other options that can tailor the Social Security program to be both more financially sustainable and more effective in achieving its goals. A first step, however, is accessing the best and most accurate data available.

Question. 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-percent benefit cut in 2033?

Answer. I have written in many places that I do not believe that the United States faces a "retirement crisis" of inadequate incomes and savings in old age. More Americans are saving more for retirement than ever before, and seniors' incomes are at record highs while poverty in old age has declined significantly even over recent years.[7] While not perfect, the U.S. retirement system that combines Social Security with personal savings is working well for most Americans.

However, a 23-percent across-the-board benefit reduction triggered by Social Security's insolvency would change all that, and truly would result in a retirement crisis for many seniors. While certain higher-income retirees could survive such a cut to their benefits, even for middle-class seniors a sudden 23-percent reduction to their benefits, with further reductions to follow in subsequent years, would be crippling.

The best time to address Social Security's long-term funding gap would have been in 1984, when the current funding shortfall first began to emerge. The next best time to address Social Security solvency would have been in any of the 40 years since then. But the next best time to fix Social Security's $20-trillion-plus funding shortfall is today. The Social Security Advisory Board published a guide to reform

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[5] *See https://www.ssa.gov/policy/docs/chartbooks/fast_facts/2003/fast_facts03.html#agedpop*.

[6] *See* Sylvester J. Schieber and Andrew G. Biggs, "Retirees Aren't Headed for the Poor House," *Wall Street Journal* (2014).

[7] *See* Adam Bee and Joshua Mitchell, "Do older Americans have more income than we think?" (paper presented at the Proceedings, Annual Conference on Taxation and Minutes of the Annual Meeting of the National Tax Association, 2017).

options titled "Social Security: Why Action Should Be Taken Soon."[8] That report was published in 1998. Had Congress acted then, seniors and other Social Security beneficiaries would face less uncertainty today.

Question. Separate from Social Security's Old-Age and Disability Insurance programs, SSA also administers the Supplemental Security Income 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 percent 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.

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?

Answer. Unlike Social Security's Old-Age or Disability Insurance benefits, which are "earned benefits" based upon work and contributions, the Supplemental Security Income program is a means-tested need-based program that pays benefits to the disabled, the blind, and to elderly individuals with low resources, meaning both low levels of income and assets.

Any means-tested program imposes an "implicit tax" on the means which are tested. If a means-tested program tests against income, then rising income reduces benefits; if it tests against assets, then savings similarly reduce benefits. There is no way around that fact.

However, income and asset tests also should be set at reasonable thresholds. As I wrote in a 2020 *Forbes* article, I support efforts spearheaded by Senator Sherrod Brown, a member of the Finance Committee, to increase the SSI asset limits.[9] These limits have been adjusted just once since the introduction of the SSI program in 1972, and even that adjustment in 1989 did not fully account for the effects of inflation.

Even such adjustments would not change the fact the SSI beneficiaries will remain quite poor. But they would provide some breathing space so that beneficiaries need not worry so much that an addition of savings would disqualify them for benefits.

QUESTIONS SUBMITTED BY HON. TODD YOUNG

Question. Can you please discuss what you understand the role of the Social Security Advisory Board to be in regards to the ongoing congressional conversation surrounding the solvency of the Old-Age and Survivors Insurance trust fund?

Answer. The Board does not advocate for particular steps to restore Social Security's long-term solvency. Indeed, because the Board explicitly must be bipartisan, one can assume that in general the Board will by design contain a diversity of views. And so, the Board tends to confine itself to providing broad information that would be useful to any policymaker, but is careful not to be seen as taking sides in what is an important but often contentious debate.

Question. In the advisory role the SSAB plays, how do you intend to engage with members of Congress and their staff regarding solvency discussions?

Answer. I am not aware that SSAB members have engaged in discussions with Congress regarding solvency matters. In general, it appears that the Board produces written material and public events designed to inform policymakers regarding all areas of Social Security policy, including solvency, but that this is generally the limit of such interactions.

Question. Understanding that if confirmed, part of your role as a member of the SSAB would be making recommendations to Congress and the President on policies related to Social Security, what are your views on raising the retirement age?

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[8] *See https://www.ssab.gov/research/social-security-why-action-should-be-taken-soon-2/.*

[9] *See* Biggs, Andrew G. "Bipartisan Cooperation to Battle Poverty." *Forbes.* June 10, 2022. *https://www.forbes.com/sites/andrewbiggs/2022/06/10/bipartisan-cooperation-to-battle-poverty/?sh=11dafbc84a4e.*

Answer. I have not advocated for increasing the retirement age, because I believe that other reforms could restore Social Security's solvency without such a step.[10]

PREPARED STATEMENT OF HON. MIKE CRAPO,
A U.S. SENATOR FROM IDAHO

Thank you, Mr. Chairman, and welcome to our four nominees: Ms. Tellez, Mr. Biggs, Ms. Lang, and Ms. Lewis. Congratulations on your nominations, and thank you all for your willingness to serve.

Today, we will first hear from Corey Anne Tellez, who is nominated to serve as Assistant Secretary for Legislative Affairs at the Treasury Department. This position is responsible for advising the Treasury Secretary on congressional relations, helping to formulate policy and shape the Department's direction.

Ms. Tellez, given your experience, you are no doubt aware of how important it is for the executive branch to cooperate and work closely with Congress, particularly the committees with direct oversight of the Treasury.

While I do not expect the Treasury Secretary and members of Congress to always align on policy, I do expect the Treasury Secretary—and the broader Treasury Department—to be transparent and accountable to all members of this committee. That means providing accurate, thorough, and timely responses to questions and letters from members, an area in which there remains much work to be done—particularly on timeliness.

If confirmed, it is essential that such communication improve at Treasury in order to facilitate greater policy understanding and better represent the American people we serve.

Moving to the other three nominees under consideration today: Mr. Biggs, Ms. Lang, and Ms. Lewis, who have been nominated to be members of the Social Security Advisory Board. These are important positions, particularly given the operational challenges facing the Social Security Administration (SSA) and the long-term financing challenges facing the Social Security system.

Congress established the Social Security Advisory Board to advise the President, Congress, and the Commissioner of Social Security on issues related to Social Security, Supplemental Security Income, and the SSA's service to the public.

The Board is comprised of seven members. Four members are appointed by Congress—two from each political party—and the remaining three members are nominated by the President and confirmed by the Senate. No more than two of the President's nominees may be from the same political party.

The three Social Security Advisory Board nominees before us today have strong qualifications, bring different perspectives and areas of expertise, and will need to move through the confirmation process together.

If confirmed, I expect a commitment from the nominees to continue the Board's general practice of operating by consensus and producing reports on a bipartisan basis.

I look forward to hearing the nominees' testimony and their responses to questions.

PREPARED STATEMENT OF HON. RICHARD J. DURBIN,
A U.S. SENATOR FROM ILLINOIS

Mr. Chairman, I speak on the floor of the Senate and in committee meetings several times each week. But it is not often that I get to use my time to sing the praises of one of my staffers. It is my privilege to introduce Corey Tellez. She is as good as they come.

Corey was part of my team for more than 11 years. She was my Economic Policy Advisor, and then my Legislative Director, and eventually she became my Deputy Chief of Staff. I have no doubt she would have taken my job if she stayed in my office long enough. That is how good she is.

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[10] *See* Biggs, "Rethinking Social Security in the Face of Economic Threats."

Part manager and part magician, Corey had a gift for turning big ideas into legislation. And more importantly, she had special talent for leading people. While on my staff, there was not a challenge Corey did not approach with grace, a staffer whose potential she did not nurture, or a bill she did not improve to better benefit working families.

Just as every great leader ought to be, Corey is Illinois through and through. She was raised in Illinois by a single mother, earning a degree in political science and history from the University of Illinois Urbana-Champaign and a law degree from the University of Illinois College of Law.

Before working for my team, Corey began her career in the House of Representatives, serving in the office of Congressman Henry Cuellar of Texas. She also worked as a Legislative Assistant to Congresswoman Carolyn McCarthy of New York and the Deputy Chief of Staff and Counsel to Congresswoman Debbie Halverson of Illinois.

In 2022, after being on my team for more than a decade, Corey left the Senate for her next opportunity: working in the Treasury Department's congressional relations office. With nearly 2 decades working on the Hill under her belt, it is safe to say that Corey was well-qualified to serve in such a role, just as she is her next one. In going to Treasury, Corey was able to return to a field she loves—financial policy—while making use of her hard-earned knowledge of Capitol Hill.

I have the utmost confidence that Corey will be just as successful in her role as Assistant Secretary for Legislative Affairs at the Treasury Department as she was in the Senate. Every team should be so lucky as to have a Corey Tellez on their staff.

Corey, thank you for all you gave to my office. It is a privilege to watch you flourish, and an honor to have the Senate confirm one of my own. Not every Senator gets to speak on behalf of one of their staffers and say, "I knew her when." But I knew you when!

Congratulations to you, your partner Mike, and your little girl Elliot. I know you make them proud. I wish you luck in your new, exciting role. Treasury, and this Nation, are lucky to have you.

PREPARED STATEMENT OF KATHRYN ROSE LANG, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION

Chairman Wyden, Ranking Member Crapo, and Senators of the Finance Committee, it is a great honor to appear before you today as a nominee to be a member of the Social Security Advisory Board. I want to thank President Biden for nominating me for this position. I greatly appreciate this committee holding this hearing on my nomination and the nominations of Mr. Biggs and Ms. Lewis.

In my 25 years as an attorney, I have been an advocate for low-income older adults and people with disabilities in a variety of settings, with a focus on public benefits. Over the past decade, I have become a nationally recognized expert on the benefit programs of the Social Security Administration, in particular the Supplemental Security Income (SSI) program and Social Security benefits for low-income older adults.

Over 7 million older adults live in poverty in the United States today. As director of Federal income security at Justice in Aging, I am part of a team working to ensure older adults in this country have access to the resources they need. We train advocates and keep them informed of the most current rules and policies at the Social Security Administration, to ensure that all who qualify can access the benefits they need. We provide materials, trainings, and other information to help advocates navigate the complex rules and restrictions with their clients and stay informed about changes to or systemic problems with SSA benefit programs.

I have had the opportunity to present to the Social Security Advisory Board in the past on some of my areas of expertise, including the representative payee program and streamlining the administration of SSI benefits. I also bring extensive knowledge about other areas involving SSA benefits, such as post-eligibility issues like overpayments and the SSI in-kind support and maintenance rules. I look forward to this opportunity for public service as a member of the Social Security Advisory Board.

Before I conclude, I would like to take this opportunity to thank my husband David Glenn, my daughter, my parents Frank and Pauline Lang, and members of my extended family, for all of their support over the years.

Again, I appreciate the committee for holding this hearing today. I would be pleased to answer any questions that you may have for me.

SENATE FINANCE COMMITTEE

STATEMENT OF INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Kathryn Rose Lang.
2. Position to which nominated: Member, Social Security Advisory Board.
3. Date of nomination: January 23, 2023.
4. Address (list current residence, office, and mailing addresses):
5. Date and place of birth: December 30, 1969, Morristown, NJ.
6. Marital status (include maiden name of wife or husband's name):
7. Names and ages of children:
8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):

   Academy of Saint Elizabeth, Morristown, NJ.
   September 1983–May 1987.
   High school diploma, June 1987.

   Oberlin College, Oberlin, OH.
   August 1987–May 1991.
   Bachelor of Arts, May 1991.

   University of Pennsylvania Graduate School of Education, Philadelphia, PA.
   August 1991–May 1993.
   Masters of Education, May 1993.

   Fordham University School of Law, New York, NY.
   August 1996–May 1999.
   Juris Doctorate, May 1999.

9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

   Oberlin College Conference Services, Oberlin, OH.
   Staff member, summer 1991.
   Set up and cleaned dorm rooms for groups attending camps and conferences.

   Kelly Services, Madison, NJ.
   Temporary office worker, summer 1992 and 1993.
   Placed in various businesses as secretary or administrative assistant on temporary basis.

   University of Pennsylvania Tutoring Center, Philadelphia, PA.
   Administrative Assistant, September 1991–May 1993.
   Entered data into payment system for work performed by tutors.

   University of Pennsylvania Graduate School of Education, Philadelphia, PA.
   Administrative Assistant, September 1991–May 1992.
   Answered phones and staffed front desk for Educational Linguistics Division.

   University of Pennsylvania Graduate School of Education, Philadelphia, PA.
   Research assistant, September 1992–May 1993.

Assisted Professor Rebecca Freeman by conducting research assignments.

Kean University, Union, NJ.
Adjunct Instructor, September 1993–May 1994.
Instructed students in the English as a Second Language (ESL) program.

Union County College, Elizabeth, NJ.
Adjunct Instructor, September 1993–May 1994.
Instructed students in the English as a Second Language (ESL) program.

National Coalition Against Censorship, New York, NY.
Administrative Assistant, July 1994–July 1996.
Assisted with the day-to-day operations of national non-profit organization advocating for freedom of expression.

Legal Services of Northern California, Chico, CA.
Staff Attorney, September 1999–May 2002.
Represented low-income clients, including at administrative hearings, trials, and appeals, on a wide variety of legal issues, including health, housing, and public benefits.

Bread for the City Legal Clinic, Washington, DC.
Contract Attorney/volunteer, November 2002–August 2003.
Represented low-income clients in landlord-tenant disputes in DC Superior Court.

Doherty, Cella, Keane LLP, Washington, DC.
Associate, September 2003–June 2004.
Represented disabled individuals in their applications and appeals for Social Security Disability benefits, primarily attending hearings with claimants before Administrative Law Judges.

National Legal Aid and Defender Association, Washington, DC.
Associate Attorney, June 2004–December 2008.
Designed and implemented training curricula for association training events, researched funding opportunities and policy issues.

Maryland Legal Aid Bureau, Inc., Riverdale, MD.
Staff Attorney, January 2009–November 2012.
Represented low-income clients as member of Elder Law and Public Benefits Unit, on a wide variety of legal issues, including consumer, health, housing, and public benefits.

Justice in Aging (formerly National Senior Citizens Law Center), Washington, DC.
Senior Staff Attorney, December 2012–June 2022.
Director, Federal Income Security, July 2022–present.
Provided training and case consultation support to aging service providers and advocates on Social Security and Supplemental Security Income (SSI) benefits, regularly engaged in administrative advocacy with the Social Security Administration (SSA), occasionally conducted litigation against SSA to enforce beneficiary rights, occasionally lobbied members of Congress regarding legislation to improve SSA benefit programs.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):

Participant in two SSA advisory workgroups convened in 2020 to address outreach to vulnerable populations: *Workgroup on COVID–19 Emergency Response and Service Delivery Outreach,* and *Workgroup on SSI/SSDI Administrative Simplifications and Evidence-Based Outreach.*

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.,* limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

None.

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):

California Supreme Court, admitted to bar 12/1/1999. Active 12/1/1999–1/1/2003, inactive 1/1/2003–5/8/2014, active 5/9/2014–present.

District of Columbia Court of Appeals, admitted to bar 9/13/2002. Active 9/3/2002–9/1/2010, resigned 9/1/2010.

Maryland Court of Appeals, admitted to bar 12/23/2009. Active 12/23/2009–2015, inactive 2015–present.

Maryland State Bar Association (2009–present).
Member of Elder and Disability Rights Section.

National Academy of Social Insurance (2015–present). Member.

Washington Ethical Society (2009–present). Member.

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate dating back to the age of 18.

None.

b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

None.

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years prior to the date of your nomination.

Eric Kingson for Congress, September 2015–May 2016: $250.

Donna Edwards for Congress, December 2015: $50.

Progressive Change Campaign Committee PAC, May 2014–December 2015: $200.

MAYDAY America, October 2014: $80.

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

Stein Scholar in Ethics and Public Interest Law, Fordham University School of Law, 1997–1999.

15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

Supreme Court Issues Decision Upholding Puerto Ricans' Exclusion from SSI, American Society on Aging, Generations blog post, May 9, 2022, *https://generations.asaging.org/supreme-court-upholds-no-ssi-puerto-ricans.*

Social Security Overpayments and Low-Income Older Adults, National Center on Law and Elder Rights (NCLER) chapter summary, February 2022 (co-authored), *https://ncler.acl.gov/getattachment/Legal-Training/upcoming_event/SSI-Overpayments-Revamp-Ch-Summary.pdf.aspx?lang=en-US.*

Commonsense Updates to SSI Can Help 3.3 Million Americans Pull Themselves Out of Poverty, American Society on Aging, Generations blog post, September 9, 2021, *https://generations.asaging.org/updating-ssi-can-pull-millions-out-poverty.* Also posted at Justice in Aging: *https://justiceinaging.org/commonsense-updates-to-ssi-can-help-3-3-million-americans-pull-themselves-out-of-poverty/.*

Pandemic-Related Disaster Assistance for SSI Recipients: Important Change for SSI Recipients and Applicants, NCLER practice tip, August 2021, *https://ncler.acl.gov/getattachment/Resources/COVID-19-Resources/Disaster-Assistance-Exclusions-for-SSI.pdf.aspx?lang=en-US.*

Mismatched and Mistaken: How the Use of an Inaccurate Private Database Results in SSI Recipients Unjustly Losing Benefits, National Consumer Law Center and Justice in Aging report, April 2021 (co-authored). *https://www.nclc.org/images/pdf/credit_reports/RptMismatchedFINAL041421.pdf.*

Apply, Deny, Appeal: The Difficult Process of Claiming Disability Benefits, American Society on Aging, GENERATIONS Vol. 43, No. 4, p. 18 (December 2020),

https://www.ingentaconnect.com/contentone/asag/gen/2020/00000043/00000004/art00004.

Frequently Asked Questions: Evolving Policies and Procedures at SSA During the COVID–19 Pandemic, NCLER FAQ sheet, October 2020, *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSA-COVID-FAQ-Sheet.pdf.aspx?lang=en-US.*

Frequently Asked Questions: Economic Impact Payments, NCLER FAQ sheet, March 2020, *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/Economic-Impact-Payments-FAQ.pdf.aspx?lang=en-US.*

Frequently Asked Questions: SSI Overpayments, NCLER FAQ sheet, February 2020 *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSI-Overpayments-FAQ-Sheet-2.pdf.aspx?lang=en-US.*

SSI Self-Help for Overpayments: Administrative Waivers and More, NCLER chapter summary, January 2020 (co-authored), *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSI-Self-Help-Ch-Summary.pdf.aspx?lang=en-US.*

SSI Transfer Penalty: Walk Through a Case, NCLER chapter summary, September 2019 (co-authored), *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSI-Transfer-Penalty-Ch-Summary.pdf.aspx?lang=en-US.*

SSI Overpayment: Walk Through a Case, NCLER chapter summary, May 2019 (co-authored), *https://ncler.acl.gov/NCLER/media/NCLER/documents/SSI-Overpayments-Ch-Summary.pdf.*

Supplemental Security Income (SSI) for Older Adults: Post Eligibility Tips, NCLER issue brief, November 2018 (co-authored) *https://ncler.acl.gov/Files/SSI-Post-Eligibility-Issue-Brief.aspx.*

Making Ends Meet (or Not): How Public Policy Affects Caregivers' Income, American Society on Aging, GENERATIONS Vol. 42, No. 3, p. 90, September 2018 (co-authored), *https://www.ingentaconnect.com/contentone/asag/gen/2018/00000042/00000003/art00016.*

In-Kind Support and Maintenance (ISM) in the Supplemental Security Income (SSI) Program, Justice in Aging advocates guide, April 2018 (co-authored), *http://justiceinaging.org/wp-content/uploads/2018/04/ISM-Guide.pdf.*

Supporting Older Americans' Basic Needs: Health Care, Income, Housing and Food, Justice in Aging issue brief, April 2018 (co-authored), *http://justiceinaging.org/wp-content/uploads/2018/04/Supporting-Older-Americans%E2%80%99-Basic-Needs_Health-Care-Income-Housing-and-Food.pdf.*

Social Security Reconsideration Appeals, NCLER issue brief, March 2018 (co-authored), *https://ncler.acl.gov/Files/SSA-Reconsideration-Appeals-Issue-Brief.aspx.*

Skilled Nursing Facilities and Other Creditors Acting as Representative Payees, Justice in Aging issue brief, January 2018 (co-authored), *https://www.justiceinaging.org/wp-content/uploads/2018/01/Skilled-Nursing-Facilities-and-Other-Creditors-Acting-As-Representative-Payees.pdf.*

Overcoming Challenges to Accessing Public Benefits for Persons with Dementia, ASA Commission on Law and Aging, BIFOCAL, Vol. 38, Issue 6, August 2017 (co-authored), *https://www.americanbar.org/groups/law_aging/publications/bifocal/vol_38/issue-6--august-2017-/overcoming-challenges-to-accessing-public-benefits-for-persons-w/.*

Understanding Resources in the Supplemental Security Income (SSI) Program, ABA Commission on Law and Aging, BIFOCAL, Vol. 38, Issue 6, August 2017 (co-authored), *https://www.americanbar.org/groups/law_aging/publications/bifocal/vol_38/issue-6--august-2017-/understanding-resources-in-the-supplemental-security-income--ssi/.*

Supplemental Security Income: In-Kind Support and Maintenance, NCLER issue brief, August 2017 (co-authored) *https://ncler.acl.gov/pdf/NCLER-In-Kind-Support-and-Maintenance-in-SSI-Issue-Brief.pdf.*

"I Can't Pay That!": Social Security Overpayments and Low-Income Clients, NCLER issue brief, February 2017 (co-authored), *https://ncler.acl.gov/Files/I-Can-t-Pay-That!-Social-Security-Overpavments-and.aspx.*

Social Security and Supplemental Security Income 101, CLEARINGHOUSE REVIEW JOURNAL OF POVERTY LAW AND POLICY, p. 1, February 2017 *https://justiceinaging.org/wp-content/uploads/2020/10/Social-Security-and-SSI-101.pdf.*

Social Security's Operating Budget At-Risk for Even More Cuts, Justice in Aging blog post, Sept. 9, 2016 *https://justiceinaging.org/social-securitys-operating-budget-risk-even-cuts/*.

Medicaid and Supplemental Security Income Eligibility: Time for a Tune-up, National Academy of Elder Law Attorneys, NAELA JOURNAL, Vol. 12, Issue 1, Spring 2016 (co-authored), *https://heinonline.org/HOL/LandingPage?handle=hein.journals/naela12&div=5&id=&page=.*

How to Prevent and End Homelessness Among Older Adults, Justice in Aging special report, April 2016 (co-authored), *https://justiceinaging.org/wp-content/uploads/2016/04/Homelessness-Older-Adults.pdf.*

Department of Education to Forgive Student Loan Debt for Thousands of People with Disabilities, Justice in Aging blog post, April 20, 2016 *https://justiceinaging.org/forgive-student-loan-debt-for-people-with-disabilities/*.

SSA's Failure to Process SSI Appeals Requests, Justice in Aging policy issue brief, January 2014 *https://www.justiceinaging.org/wp-content/uploads/2015/05/RE_1SSI-Failure-Policy-Issue-Brief.pdf.*

Why SSI Needs an Appeals Process That Works, Justice in Aging issue brief, September 2013, *https://www.justiceinaging.org/wp-content/uploads/2015/03/RE_Final-Why-SSI-Needs-an-Appeal-Process-That-Works.pdf.*

SSI Appeals Process Misses the Mark, American Society on Aging, AGING TODAY, Vol. 34, Issue 3, May–June 2013, *https://drive.google.com/file/d/17F9qLCjBHTH3B8VqVNn_DBTIyVV2zROK/view?usp=sharing.*

Fair Work, not "Workfare": Examining the Role of Subsidized Jobs in Fulfilling States' Work Requirements under the Personal Responsibility and Work Reconciliation Act of 1996, FORDHAM URBAN LAW JOURNAL Vol. 25, p. 959, 1998.

16. Speeches (list all formal speeches and presentations (*e.g.,* PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates):

Marriage Penalties in SSA Benefits: Barriers in Marriage and Relationship Equality Faced by SSA Beneficiaries, Social Security Advisory Board public session panelist, July 29, 2022.
Recording: *https://vimeo.com/735465575*.
Slides: *https://www.ssab.gov/wp-content/uploads/2022/07/Presentation-on-Marriage-Penalties.pdf.*

Improving Access to the Application for Supplemental Security Income (SSI) Benefits, Justice in Aging webinar, June 8, 2022.
Recording: *https://vimeo.com/718434001.*
Slides: *https://justiceinaging.org/wp-content/uploads/2022/06/Improving-Access-to-SSI-Application-6.8.22.pdf.*

Social Security Overpayments and Low-Income Older Adults, National Center on Law and Elder Rights (NCLER) webinar, February 23, 2022 (co-presented).
Recording: *https://vimeo.com/681061213.*
Slides: *https://ncler.acl.gov/getattachment/Legal-Training/upcoming_event/NCLER-SSA-Overpayments-Revamp.pdf.aspx?lang=en-US.*

Pandemic-Related Disaster Assistance for SSI Recipients, NCLER webinar, September 21, 2021.
Recording: *https://vimeo.com/618260569.*
Slides: *https://ncler.acl.gov/getattachment/Legal-Training/upcoming_event/Disaster-Assistance-for-SSI-Recipients.pdf.aspx?lang=en-US.*

Social Security's Public Service, Panel 2: Developing Evidence on Underserved Populations, Social Security Advisory Board roundtable discussion panelist, May 20, 2021.
Recording: *https://vimeo.com/556399678.*

Evolving Policies and Procedures at SSA During the COVID–19 Pandemic, NCLER webinar, September 30, 2020 (co-presented).
Recording: *https://vimeo.com/463591756.*

Slides: *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSA-COVID-Slides-093020.pdf.aspx?lang=en-US.*

Representative Payees: Opportunities to Improve Service Delivery, Social Security Advisory Board public forum panelist, September 24, 2020.
Recording: *https://www.ssab.gov/research/forum-archive-representative-payees-opportunities-to-improve-service-delivery/.*

Economic Impact Payments and Older Adults, NCLER webinar, May 6, 2020.
Recording: *https://vimeo.com/415673623.*
Slides: *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/Economic-lmpact-Payments-Slides.pdf.aspx?lang=en-US.*

Obtaining Economic Impact Payments for Low-Income Clients, Justice in Aging webinar, April 24, 2020.
Recording: *https://vimeo.com/411563325.*
Slides: *https://justiceinaging.org/wp-content/uploads/2020/04/Obtaining-Economic-Impact-Payments-for-Low-Income-Clients-4.24.20.pdf.*

New Policies Related to COVID–19 at SSA, Justice in Aging webinar, April 10, 2020.
Recording: *https://vimeo.com/406304310.*
Slides: *https://justiceinaging.org/wp-content/uploads/2020/04/New-Policies-Related-to-COVID-19-at-SSA-4.10.20.pdf.*

SSI Self-Help for Overpayments: Administrative Waivers and More, NCLER webinar, January 28, 2020 (co-presented).
Recording: https://vimeo.com/387800347.
Slides: *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/SSI-Self-Help.pdf.aspx?lang=en-US.*

Issues in the Representative Payee Program for Older Adults, Justice in Aging webinar, September 24, 2019.
Recording: *https://vimeo.com/362174048.*
Slides: *https://justiceinaging.org/wp-content/uploads/2019/09/Sept-2019-rep-payee-presentation-for-NDRN.pdf.*

SSI Transfer Penalty: Walk Through a Case, NCLER webinar, September 18, 2019 (co-presented).
Recording: *https://vimeo.com/360921206.*
Slides: *https://ncler.acl.gov/getattachment/legal-training/Economic-Security/NCLER-SSI-Transfer-Penalty-PPT.pdf.aspx?lang=en-US.*

SSI Overpayment: Walk Through a Case, NCLER webinar, May 22, 2019 (co-presented).
Recording: *https://vimeo.com/337853029.*
Slides: *https://ncler.acl.gov/NCLER/media/NCLER/documents/SSI-Overpayments-PPT.pdf.*

SSI for Older Adults: Post Eligibility Tips, NCLER webinar, Nov. 18, 2018 (co-presented).
Recording: *https://vimeo.com/303394366.*
Slides: *https://ncler.acl.gov/Files/SSI-Post-Eligibility-lssues-PPT-(1).aspx.*

How to Leverage Advance Designation to Improve the Representative Payee Selection Process, Social Security Administration National Disability Forum panelist, October 30, 2018 (afternoon session).
Agenda: *https://www.ssa.gov/ndf/documents/Afternoon%20Agenda%20-%20NDF%200ct%2030%202018%20-%20FINAL.pdf.*
Audio recording: *https://www.ssa.gov/ndf/media/10-30-18%20SSA%20event%20-%20afternoon%20session%202.mp3.*

Social Security Benefits You've Never Heard of, and Who is Eligible for Them, Justice in Aging webinar, October 23, 2018 (co-presented).
Recording: *https://vimeo.com/296711517.*
Slides: *http://justiceinaging.org/wp-content/uploads/2018/10/SS-Benefits-Youve-Never-Heard-Of.pdf.*

Moving Forward: Implementing Changes in the Representative Payee Program, Panel II: Exploring Different Experiences: Representative Payee Order of Preference in the Selection and Replacement Process, Social Security Advisory Board public forum panelist, September 7, 2018, *https://www.ssab.gov/research/forum-moving-forward-implementing-changes-in-the-representative-payee-program/.*

SSI Transfer of Asset Penalty, Justice in Aging webinar, June 28, 2018 (co-presented).
Recording: *https://vimeo.com/277533439.*
Slides: *http://justiceinaging.org/wp-content/uploads/2018/06/June-2018_SSI-Transfer-Penalty-webinar.pdf.*

How to Strengthen and Clarify Instructions on Directing the Management of Benefits, Social Security Administration National Disability Forum panelist, April 18, 2018 (morning session).
Agenda: *https://www.ssa.gov/ndf/documents/Morning%20Agenda%20-%20NDF%20Apr%2018%202018.pdf.*

In-Kind Support and Maintenance in the SSI Program, Justice in Aging webinar, April 11, 2018 (co-presented).
Recording: *https://vimeo.com/264313612.*
Slides: *http://justiceinaging.org/wp-content/uploads/2018/04/ISM-Webinar-4.11.18-FINAL.pdf.*

Social Security Reconsideration Appeals, NCLER webinar, March 21, 2018 (co-presented).
Recording: *https://vimeo.com/261193250.*
Slides: *https://ncler.acl.gov/Files/NCLER-SSA-Reconsiderations-Slides-March-2018.aspx.*

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

I am a nationally recognized expert on SSA benefit programs, in particular the Supplemental Security Income (SSI) program and Social Security benefits for low-income older adults. I also have deep expertise in other areas of focus for the Social Security Advisory Board, such as the representative payee program and the development of an online application for SSI for older adults. I would bring a unique perspective to the SSAB as an advocate concentrating on the needs of low-income older adults. I am familiar with the work of the SSAB, having presented to the Board multiple times.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

No. If confirmed, I will be a special government employee and therefore, I plan to continue working for my current employer, Justice in Aging.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

Yes. If confirmed, I will be a special government employee and therefore, I plan to continue working for my current employer, Justice in Aging.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.

None.

2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any

way constitute or result in a possible conflict of interest in the position to which you have been nominated.

I have appeared as co-counsel in two cases brought against the Social Security Administration:

a. *Fabelo et al. v. Kijakazi,* Case No. 2015–CV–7429 (EDNY)—settled and dismissed April 3, 2023.

b. *Campos et al. v. Kijakazi,* Case No. 21–CV–5143 (EDNY)—currently in settlement negotiations. I will withdraw my appearance in this case when my nomination is confirmed.

3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.

Since December 2012, I have occasionally met with the staff of members of Congress and the relevant committees of jurisdiction to advocate for legislative improvements to the SSA benefit programs, or to oppose legislation that would harm beneficiaries. This activity has primarily concerned the Supplemental Security Income Restoration Acts of 2013, 2014, 2015, 2017, 2019, and 2021. Other legislation I have met with Hill staffers about included the Social Security and Marriage Equality Act of 2014, the provisions of the Balanced Budget Act of 2015 relating to SSA, the Control Unlawful Fugitive Felons Act of 2015, the Social Security Beneficiaries Act of 2018, and the SSI Savings Penalty Elimination Act of 2022.

While working for Justice in Aging, I have regularly engaged in administrative advocacy at the Social Security Administration (SSA), as a member of various advocacy coalitions supporting regulatory and sub-regulatory changes to ensure effective administration of the SSA benefit programs, as well as recommending operational improvements and potential research topics at the agency. I have also engaged in administrative advocacy at SSA on behalf of Justice in Aging on a variety of topics, including the representative payee program, data matching programs, and Federal student loan forgiveness for beneficiaries.

I have occasionally participated in meetings with employees of the Office of Management and Budget regarding SSA administrative funding and the agency's regulatory agenda. I have also occasionally participated in meetings with employees of other Federal agencies, including the Department of Education, Consumer Financial Protection Bureau, and Treasury Department, on a variety of topics related to SSA beneficiaries.

4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

I will withdraw my appearance as an attorney of record in *Campos* when my nomination is confirmed. I will not enter my appearance as an attorney of record in any litigation against the Social Security Administration while serving on the Social Security Advisory Board.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (*e.g.,* an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State,

county, or municipal law, regulation, or ordinance, other than a minor traffic offense? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.

No.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

QUESTIONS SUBMITTED FOR THE RECORD TO KATHRYN ROSE LANG

QUESTIONS SUBMITTED BY HON. BILL CASSIDY

SSA OPERATIONAL CONCERNS

Question. 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 and 800 number wait times; overpayments; electronic systems modernization; outdated dictionary of occupational titles; poor employee morale—*lowest in the entire Federal Government;* and lack of performance metrics provided to Congress by SSA.

With this in mind, can you describe how your background can help Congress better understand the current serious operational issues facing SSA?

Answer. My background representing individuals at the Social Security Administration (SSA) has given me a great deal of familiarity with the agency's policies and procedures that cause the most trouble for those claiming and receiving benefits from the agency. This has provided me with insight into what members of the public struggle with when interacting with SSA, and informed my ideas about what changes SSA could make to address many of the operational issues it faces.

For the past decade, in my role as a national expert on SSA benefits at Justice in Aging, I have had the opportunity to hear from legal aid advocates from across the country about the operational issues they are encountering when representing clients at SSA, educate them about developments in SSA's policies and procedures, and encourage the agency to provide better service to everyone, especially those facing barriers like cognitive impairments, limited proficiency in English, or homelessness and housing insecurity.

Question. 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?

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?

Answer. The SSAB can access the Social Security Administration's systems and data as part of its authority to study and make recommendations relating to SSA's programs. For example, in 2018 the SSAB published a collection of charts [1] regarding SSA's representative payee program that included information that the agency does not regularly release itself, and informed the SSAB's report on Improving Social Security's Representative Payee Program.[2] The SSAB can continue to use its authority to access and analyze SSA data, and make recommendations for improvements.

Question. 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.

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?

Answer. I don't agree with the assertion that the SSAB is given similar resources as MedPAC. There are significant differences in both the structure and resources of these agencies that could contribute to MedPAC's efficacy and usefulness, as compared to the SSAB. MedPAC is an independent congressional agency solely within the legislative branch, with 17 Commissioners who are all appointed by the Comptroller General. With three cohorts of five or six Commissioners who serve staggered 3-year terms, there are never extensive vacancies for Commissioners at MedPAC, since none of the Commissioners have to go through the Senate confirmation process. Three of the seven SSAB Board members are presidential nominees who require Senate confirmation, resulting in many years without a full complement of Board members actively "on the job."

In addition to the structure of having more than twice as many Commissioners, who serve with a full complement continuously, MedPAC also has almost three times as many professional staff (12 at SSAB versus 33 at MedPAC), and an annual budget more than five times as large ($2.7 million for SSAB versus $13.8 million for MedPAC). SSAB's efficacy could be enhanced by doubling the number of Board members, by tripling the number of professional staff, and by increasing its budget.

PUBLIC KNOWLEDGE OF SSA PROGRAMS

Question. One of the SSAB statutory roles is to help the American public better understand Social Security programs, so I am going to ask a question that is very similar to one I asked Commissioner O'Malley a couple months ago in this room.

The most common age at which Americans claim Social Security benefits is 62. Claiming benefits at this age locks in the lowest possible monthly benefit amount a person can receive for the rest of that person's life. Research has shown that the average American household misses out on more than $100,000 in value because of suboptimal claiming decisions. And the very words SSA uses for various ages stacks the deck toward earlier claiming. Most notably, SSA describes age 62 as the "early retirement age"—implying that claiming at any other time is "late." In March of this

[1] *https://www.ssab.gov/research/representative-payee-chart-collection/*.
[2] *https://www.ssab.gov/research/improving-social-securitys-representative-payee-program/*.

year, I introduced bipartisan legislation with Senators Collins, Coons, and Kaine that would improve Americans' understanding of how their claiming decisions impact their financial security. The bill is simple—it would change SSA's terminology from "early eligibility age," "full retirement age," and "delayed retirement credits" to "minimum benefit age," "standard benefit age," and "maximum benefit age" to better reflect Social Security's claiming design and how the program works.

If you are confirmed to the SSAB, would you work with Congress and the administration to implement this straightforward solution?

Answer. Yes, I would.

QUESTIONS SUBMITTED BY HON. CHUCK GRASSLEY

Question. 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?

Answer. Congress has a number of options to address the long-term solvency of the Social Security trust funds. SSA's Office of the Chief Actuary provides detailed estimates regarding the proposals put forward by policymakers to restore the trust funds' solvency:

Proposals to Change Social Security *(https://www.ssa.gov/OACT/solvency/index.html)*.

The Congressional Budget Office has produced several publications on projections and policy options for the Social Security trust funds:

CBO's 2023 Long-Term Projections for Social Security|Congressional Budget Office *(https://www.cbo.gov/publication/59184)*.

How Changing Social Security Could Affect Beneficiaries and the System's Finances|Congressional Budget Office *(https://www.cbo.gov/publication/54868)*.

Social Security Policy Options, 2015|Congressional Budget Office *(https://www.cbo.gov/publication/51011)*.

In the past, the SSAB has also published reports reviewing proposals that address the Social Security solvency issue, but has not endorsed any particular option or combination of options. Instead, the SSAB has presented these proposals in a bipartisan manner and urged Congress to take action. As 2033 approaches, policymakers have time to carefully craft a financing package that protects the program's modest but critical benefits.

Question. 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?

Answer. Under the Supplemental Security Income (SSI) program, the Social Security Administration provides monthly benefits to people who are disabled or elderly and have little income and few assets. SSI benefits are critical for the people who need them, but the program is woefully out of date. The maximum SSI benefit is only three-fourths of the poverty line, and more than a third of beneficiaries have incomes below the poverty line even after their benefits are considered. The program's meager income and asset limits penalize savings and work. Its complicated rules are inefficient to administer and intrusive to beneficiaries.

Updating SSI is long overdue, and necessary to ensure that low-income seniors and people with disabilities have the resources they need to afford rent, food, and other basic needs.

Question. Based on your experience as director of Federal income security at Justice for Aging, please explain how you think Social Security can best be improved.

Answer. More than 48 million older adults claim Social Security retirement benefits. Women make up approximately 56 percent of all Social Security beneficiaries over the age of 62 and 66 percent of all beneficiaries over the age of 85. Notably,

because women have fewer assets than men in retirement, yet live longer on average, Social Security is often their primary source of income, especially as they reach older age. In fact, one-third of older women rely on Social Security for more than 80 percent of their total income. For women over 80 years of age, whose other resources have likely been depleted, that percentage rises to 43.3 percent, highlighting the difficulty many women face when they have little to no retirement savings left and they can no longer work to supplement their income.

Unfortunately, not only are women more likely than men to lack other forms of retirement income, but their Social Security benefits are, on average, lower. This discrepancy can be attributed to a long history of disparate pay for women and men in the United States, and women's traditional role as primary caregivers for children and aging family members, among other factors.

Because Social Security benefits are based on previous earnings, women who take time out of the workforce to act as caregivers receive fewer benefits in retirement. The substantial value they provide for such caregiving is totally uncompensated for purposes of Social Security. A caregiver credit could provide eligible caregivers with Social Security work credits, thereby increasing the caregivers' "wages" for purposes of calculating Social Security benefits.

QUESTIONS SUBMITTED BY HON. TIM SCOTT

Question. One area I'm hoping you can commit to focusing on is the Social Security Administration's 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.

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?

Answer. Yes, I will.

Question. Social Security is a vital pillar of the American retirement system. Retirement and disability benefits represent[3] approximately 30 percent of total income for the median beneficiary household headed by someone age 65 or over; for more than 1 in 10 of such households, Social Security provides at least 90 percent 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-percent 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.

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

Answer. Congress has a number of options to address the long-term solvency of the Social Security trust funds. SSA's Office of the Chief Actuary provides detailed estimates regarding the proposals put forward by policymakers to restore the trust funds to solvency:

Proposals to Change Social Security *(https://www.ssa.gov/OACT/solvency/index.html)*.

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[3] *https://www.ssa.gov/news/press/factsheets/basicfact-alt.pdf*.

The Congressional Budget Office has produced several publications on projections and policy options for the Social Security trust funds:

CBO's 2023 Long-Term Projections for Social Security | Congressional Budget Office *(https://www.cbo.gov/publication/59184)*.

How Changing Social Security Could Affect Beneficiaries and the System's Finances | Congressional Budget Office *(https://www.cbo.gov/publication/54868)*.

Social Security Policy Options, 2015 | Congressional Budget Office *(https://www.cbo.gov/publication/51011)*.

In the past, the SSAB has also published reports reviewing proposals that address the Social Security solvency issue, but has not endorsed any particular option or combination of options. Instead, the SSAB has presented these proposals in a bipartisan manner and urged Congress to take action. As 2033 approaches, policymakers have time to carefully craft a financing package that protects the program's modest but critical benefits and to strengthen the trust funds' solvency for the decades to come.

Question. 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-percent benefit cut in 2033 and how the Assistant Secretary of Commerce for Enforcement and Compliance could contribute to collaborative efforts with Congress to address this issue?

Answer. While Social Security benefits are modest, they are a key source of financial security, especially for older adults. Given the program's powerful anti-poverty impact, cuts in Social Security benefits could significantly raise the elderly poverty rate. Without Social Security benefits, 41 percent of elderly Americans would have incomes below the official poverty line. With Social Security, only 9 percent do.

A potential benefit cut of 23-percent would disproportionately harm low- and middle-income seniors, as they rely most heavily on Social Security to cover all or a significant amount of their expenses. It would hit Black and Latino retirees particularly hard because they have less access to private retirement accounts and have lower balances in those accounts.

Benefit cuts would be harmful to the American people and should be avoided at all costs. The Social Security Advisory Board can put forward bipartisan proposals on the issue, but Congress must take action.

Question. Separate from Social Security's Old-Age and Disability Insurance programs, SSA also administers the Supplemental Security Income 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 percent 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.

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?

Answer. Outdated asset limits for the Supplemental Security Income (SSI) program discourage millions of Americans from saving, working, and marrying. SSI offers essential financial support to disabled and elderly Americans with limited means and limited ability to work, but the program in its current form penalizes marriage and discourages financial responsibility.

In order to qualify for SSI, individuals cannot have more than $2,000 in assets; married couples can have no more than $3,000, putting SSI recipients at risk of losing eligibility should they choose to marry. These thresholds have remained unchanged for almost 40 years without being updated to account for inflation. Such low asset limits confront SSI recipients with an impossible dynamic—taking modest steps to save for future emergencies can threaten access to their critical monthly benefits. Moreover, outdated asset limits in SSI have become a leading driver of Social Security Administration overpayments undermine program integrity and also result in hardship for recipients facing abrupt benefit suspension or reduction in already low monthly benefits.

PREPARED STATEMENT OF SHARON BETH LEWIS, NOMINATED TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD, SOCIAL SECURITY ADMINISTRATION

Chairman Wyden, Ranking Member Crapo, and members of the committee, thank you for the opportunity to speak to you today, and for your consideration of my nomination.

I am honored to have been nominated by the President for this important role as a member of the Social Security Advisory Board. I appreciate the opportunity to join my two colleagues, Ms. Lang and Mr. Biggs, to sit before you and answer your questions. If we are all confirmed, I look forward to joining this Board with a full complement of seven members to share ideas, to listen to multiple views, and to work together to identify and communicate recommendations for the Social Security Administration (SSA).

I also want to thank my family, especially my parents, my brother and my sister, and my three amazing daughters—Jazmin, Zoe, and Maraena—for their love, support, encouragement and patience, without which I would not be here. Zoe asked me to tell you "hello" from Oregon, noting her disappointment in not being able to join me in DC this week, but also pride in her job responsibilities that kept her at home. Zoe is one of the very small proportion of Supplemental Security Income recipients with intellectual disabilities who work in competitive, integrated employment. I am also grateful to acknowledge Maraena, my youngest daughter, who is here to support me today.

I believe I have a unique combination of personal and professional experience that will inform my work on the Board. My professional background includes serving in the U.S. Department of Health and Human Services (HHS) as the Commissioner of the Administration on Intellectual and Developmental Disabilities, the Principal Deputy Administrator of the Administration for Community Living, and the Secretary's Senior Advisor on Disability Policy. While at HHS, I worked collaboratively with teams from the Social Security Administration, the Department of Labor, and the Centers for Medicare and Medicaid Services to support improved employment outcomes and economic opportunity for people with disabilities. Prior to joining HHS, I also served as the Senior Disability Policy Advisor for the U.S. House Committee on Education and Labor, and as a Joseph P. Kennedy Public Policy Fellow for the Senate Subcommittee on Children and Families within the Senate Health, Education, Labor, and Pensions Committee.

Since leaving full-time government service 8 years ago, I have been employed with a health-care consulting firm, Health Management Associates. As a consultant, I primarily work with State Medicaid agencies and with other stakeholders to improve policies and programs for people with disabilities and older adults, and their families. Additionally, I continue to volunteer with several nonprofit disability-focused organizations.

Regarding my personal experience, as mom to a young adult with significant disabilities, as family to several retired older adults, and through my engagement with many people in the disability community over the past 25 years, I know firsthand both the opportunities and challenges for those who depend upon the important benefits administered by Social Security.

I think understanding and respecting the experiences of both the beneficiaries who receive services, and the staff who deliver those services, is central to the Social Security Advisory Board's work. Hearing from these individuals, and infusing their insights into policy deliberations and recommendations, reminds us why it is so important to improve and sustain Social Security programs. It is our obligation to thoughtfully consider the experiences of everyday Americans alongside our efforts to analyze and consider data, research, and the perspectives of government officials, policy experts, economists, and social scientists.

I also believe strongly in compromise and pursuing consensus. Should I be fortunate enough to be confirmed, I will serve in a collaborative and bipartisan manner. I will work cooperatively with my fellow Board members in developing our advice and guidance to the Social Security Administration.

Thank you again, Mr. Chairman, Ranking Member Crapo, and members of the committee, for the privilege of appearing before you today. I look forward to responding to your questions.

SENATE FINANCE COMMITTEE

STATEMENT OF INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Sharon Beth Lewis, (former) Sharon Beth Lewis Wilker.
2. Position to which nominated: Member, Social Security Advisory Board.
3. Date of nomination: April 7, 2022.
4. Address (list current residence, office, and mailing addresses):
5. Date and place of birth: October 1, 1965, Ann Arbor, Michigan.
6. Marital status (include maiden name of wife or husband's name):
7. Names and ages of children:
8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):

   Lahser High School, Bloomfield Hills, Michigan. Attended 1980–1983. High School Diploma, 1983.

   Washington University, St. Louis, Missouri. Attended 1983–1987. Bachelor of Fine Arts, 1987.

   Harvard Kennedy School, Executive Education: Leadership for the 21st Century, 2011.
9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

Employer	Dates	Title/Description	Location
Health Management Associates	January 2016–current	Principal (Consultant)	Portland, Oregon, and Washington, DC
U.S. Dept of HHS Administration for Community Living/Administration on Children and Families	April 2010–January 2016	Principal Deputy Administrator; Senior Disability Policy Advisor, Commissioner of the Administration on Intellectual and Developmental Disabilities	Washington, DC
U.S. House of Representatives, Committee on Education and Labor (Chairman George Miller)	September 2007–April 2010	Senior Disability Policy Advisor (also detailed to Obama presidential transition team at the Department of Education, November 2008–January 2009)	Washington, DC
The Arc of Oregon/Joseph P. Kennedy Foundation Fellowship	January 2007–September 2007	Kennedy Fellow assigned to U.S. Senate HELP Subcommittee on Children and Families	Washington, DC
The Arc of Oregon/The Arc of Multnomah/Oregon Developmental Disabilities Coalition	June 2003–December 2006	Public Policy Director and part-time contractor, depending upon projects and funding	Portland, OR and Salem, OR

Employer	Dates	Title/Description	Location
Oregon Council on Developmental Disabilities/Community Partnerships	December 2002–July 2003	Independent contractor—grassroots organizing and advocacy work with the developmental disabilities community	Salem, OR
Design Matters, Inc.	January 1994–August 2005	Owner of a small business providing communications, graphic design, and marketing services	Portland, OR
Wieden + Kennedy	September 1991–December 1993 (estimated)	Graphic Designer; Director of Studio	Portland, OR
Misc Advertising Agencies in Los Angeles—BBDO, Hill Holliday, Ogilvy and Mather	1989–1991 (estimated)	Freelance graphic designer—contractor	Los Angeles, CA
Children's Hospital of Los Angeles	1988–1989 (estimated)	Graphic designer	Los Angeles, CA
Washington University Medical Center, St. Louis, MO	1986–1988 (estimated)	Graphic designer	St. Louis, MO

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):

    As part of my role at HHS (2010–2016), I participated in Federal Advisory Committees, including serving as the Designated Federal Officer for the President's Committee for People with Intellectual Disabilities (PCPID), as a member of the Interagency Autism Coordinating Committee, and as a member of the Department of Labor Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

    Other State and local service (all volunteer positions): State of Oregon Children's Workgroup, Salem, Oregon, Citizen Appointee, November 2005–December 2006; Portland Public Schools Special Education Advisory Council, 2001–2006; Multnomah County Local Interagency Coordinating Council, 2001–2004.

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.,* limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

    I currently serve as an employee of Health Management Associates, providing consulting services to a range of health and human services clients.

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):

    Kathryn Weit Foundation: Member, Board of Directors, May 2021–present.

    Family Voices: Member, Board of Directors, November 2017–present.

    Disability Rights Education and Defense Fund: Member, Board of Directors, May 2017–present.

    Family Action Coalition Team: Member, Board of Directors, October 2001–October 2007.

    Disability Navigators (Oregon): Member, Board of Directors, June 2003–December 2006.

American Association on Intellectual and Developmental Disabilities: Member, 2016–present.

TASH: Member, 2002–2005, 2016–2018.

Oregon Developmental Disabilities Coalition: Member, 2004–2007.

The Arc of Oregon: Member, 2002–2007.

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate dating back to the age of 18.

None.

b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

None.

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years prior to the date of your nomination.

To the best of my knowledge and recollection, this list represents my political contributions over the past 10 years:

2020 Katie Porter for Congress: $50.

2020 Mingus Mapps for Portland City Council: $50.

2020 Biden Victory Fund: $850.

2019 DNC Services Corp $250.

2018 Sara Gelser for Oregon State Senate: $100.

2017 Judy Newman for Eugene 4j School Board: $50.

2016 Hillary Clinton Victory Fund: $750.

2012 Democratic Congressional Campaign Committee: $50.

2012 Obama for America: $420.

2012 Obama Victory Fund: $225.

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

2016 Association of University Centers on Disabilities Special Recognition Award.

2014 Quality Trust Advocacy Award.

2010 Consortium for Citizens with Disabilities Chairman's Award.

2009 CHADD (Children & Adults with ADHD) Public Policy Award.

2009 Council of State Administrators of Vocational Rehabilitation Leadership Award.

2009 National Rehabilitation Association Lead on Award.

2008 Association of University Center on Disabilities Gold Star Award.

2007 Oregon Council on Developmental Disabilities Champion Award.

2006 Joseph P. Kennedy, Jr. Foundation Public Policy Fellowship.

1987 Washington University Shepley Leadership Award.

1987 Omicron Delta Kappa, National Leadership Honor Society.

15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

Below is a list of published works, to the best of my knowledge and recollection. Additional blogs, articles, and materials published under my name during my time at U.S. Department of Health and Human Service may be available at *www.acl.gov*.

Barth, S., Lewis, S., and Simmons, T. "Medicaid Services for People with Intellectual or Developmental Disabilities—Evolution of Addressing Service Needs and Preferences." Medicaid and CHIP Payment Access Commission (MACPAC), October 2020, *https://www.macpac.gov/publication/medicaid-services-for-people-with-intellectual-or-developmental-disabilities-evolution-of-addressing-service-needs-and-preferences/*.

Lewis, S., Odendahl, R. "Stakeholder Perspectives on Oregon Case Management Services" Report for Oregon Office on Developmental Disabilities, May 2019, *https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/Compass/case-management-stakeholder-engagement-report-combined-2019-05.pdf*.

Lewis, S., Patterson, R., Alter, M. "Current Landscape: Managed Long-Term Services and Supports for People with Intellectual and Developmental Disabilities." American Network of Community Options and Resources, June 2018, *https://www.ancor.org/sites/default/files/ancor_mltss_report_-_final.pdf*.

Edwards, B.C., Lewis, S., Patterson, R. Hummel, L. Four Briefs on HCBS in Assisted Living: "An Effective Person-Centered Planning Process Is Key for Memory Care Units," "Community Integration Options and Resident Choice Are Key in Assessment of Co-Located Assisted Living Communities and Inpatient Facilities," "Ensuring Individual Choice and Privacy," "Resolving Differences Between State Assisted Living Licensure Requirements and HCBS Settings Rule." March 2018, *https://www.healthmanagement.com/knowledge-share/briefs-reports/four-briefs-examine-new-home-community-base-services-settings-rules/*.

Lewis, S. "Individuals with Intellectual and Developmental Disabilities (Still) Want Their Natural Freedom," March 2017, *https://declarationforindependence.org/in-2017-individuals-with-iddd-still-want-their-natural-freedom/*.

Patterson, R., Lewis, S., Edwards, B., VandenHeuvel, R. "Access and Adequacy Review for Home and Community-Based Services." American Network of Community Options and Resources, December 2016, *http://mykapp.org/wp-content/uploads/2016/12/ANCOR-Access-and-Adequacy-Report-FINAL-1.pdf*.

Grigal, M., Hart, D., Lewis, S. "A Prelude to Progress: Postsecondary Education and Students with Intellectual Disabilities." Impact, Institute on Community Integration, University of Minnesota, January 2011, *https://publications.ici.umn.edu/impact/23-3/a-prelude-to-progress-postsecondary-education-and-students-with-intellectual-disabilities*.

Testimony before the U.S. Senate Committee on Health, Education, and Labor—Improving Employment Opportunities for People with Intellectual and Developmental Disabilities, March 2011, *https://www.help.senate.gov/hearings/improving-employment-opportunities-for-people-with-intellectual-disabilities.*

Testimony before the U.S. Equal Employment Opportunity Commission, Hearing on Employment of People with Mental Disabilities, March 2011, *https://www.eeoc.gov/meetings/meeting-march-15-2011-employment-people-mental-disabilities.*

16. Speeches (list all formal speeches and presentations (*e.g.,* PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates):

I have not delivered any formal speeches or presentations specifically on Social Security Administration programs or policies in the past 5 years. To the best of my knowledge and recollection, presentations on disability policy and/or Medicaid from the past 5 years are listed below with links, as applicable. I have included digital copies of presentations when available.

Panelist, National Academy of Medicine Workshop, Optimizing Care Systems for People with Intellectual and Developmental Disabilities, December 2021: *https://www.nationalacademies.org/event/12-14-2021/exploring-an-optimal-integrated-care-system-for-people-with-intellectual-and-developmental-disabilities-a-workshop-day-3.*

"#FreeBrittany, #FreeGrandma, #FreeUsAll—Are We Overdue in Our Reform of Guardianship Law and Practice," National Home and Community-Based Services Conference, December 2021.

Panelist, National Academy of Medicine Workshop, Financing that Rewards Better Health and Well-Being, May 2021: *https://www.nap.edu/catalog/26332/financing-that-rewards-better-health-and-well-being-proceedings-of.*

Presentation to the Medicaid and CHIP Payment and Access Commission (MACPAC)—Medicaid Services for People with Intellectual and Developmental Disabilities, January 2021: *https://www.macpac.gov/public_meeting/january-2021-macpac-public-meeting/*.

Presentation on behalf of CMS and the Administration for Community Living, Ensuring Continuity of Home and Community Based Services During the COVID–19 Pandemic, April 2020: *https://3d5t3q1mzaay3etj951e0g0a-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/Ensuring-Continuity-of-HCBS-During-the-COVID-19-Pandemic.pdf.*

"Supported Decision-Making: The Path to Self-Determination. Why It's Important to You and the People You Care For," Oregon Health Sciences University, March 2021.

"HCBS Final Rule" training series (public webinars) for Hawaii Developmental Disabilities Division, November 2020–present, *https://health.hawaii.gov/ddd/waiver-providers/medicaid-idd-waiver-providers-archive-training-providers/*.

"The ADA Generation: Expecting Great Lives and Real Community Membership," Pennsylvania Office of Developmental Programs Everyday Lives Conference, January 2020.

"What's New in the DDA Waivers? A Deep Dive into the New Service Definitions," Maryland Association of Community Providers, December 2019.

"Supported Decision-Making, From Theory to Practice: Helping People Keep Their Power to Decide!" National Home and Community-Based Services Conference, August 2019.

"Doing the IDD Two-Step Across the Country," Alliance Colorado Six State Summit, June 2019.

"Ensuring Self-Determination through Supported Decision-Making," Oregon Department of Human Services Case Management Conference, June 2019.

"Managed Care: 'Need to Knows' About Long-term Services and Supports," National Lutheran Services in America Conference, May 2019.

"Employment and Community Engagement in Medicaid: What Does This Mean for People with Disabilities?" The Arc of Houston, November 2018.

"Thinking Bigger and Working Together: The Importance of Collaboration, Community and Connections in a Changing LTSS World," Wisconsin Aging Advocacy Network, September 2018.

"Supporting Choice in an Increasingly Complex World: What a Great Time for Self-Direction!" Applied Self-Direction Conference, May 2018.

"Lessons Learned: Disability Advocacy," The Arc of Indiana Conference, November 2017.

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

I offer a unique combination of personal and professional experience that qualifies me to serve as a member of the Social Security Advisory Board. As a professional who has dedicated the past 25 years to working in disability policy, programs and advocacy at the local, State, and Federal level, I understand the critical importance of Social Security Administration programs and policies for all Americans, especially people with disabilities and older adults. And as parent to a young adult who experiences significant lifelong disabilities, I know both the opportunities and challenges presented to individuals who depend upon the important benefits administered by Social Security.

Serving in both Federal executive and legislative staff roles has provided me with valuable insight and policy experience that will inform my service. Throughout my disability policy career, one common thread prevails—beneficiary engagement, which I see as central to the Social Security Advisory Board's work. I always seek to learn about and understand the varying viewpoints of the people and families at the heart of policy and program, and bring these perspectives and insights into my efforts. Infusing human experiences

into policy work serves as a foundational reminder of why and how we are embarking to improve and sustain critical programs, alongside the analysis and consideration of data and research and the perspectives of government officials, policy experts, economists and social scientists.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

   No. The position for which I am being considered does not require me to sever all connections with my current employers or associations. I will however be bound by ethics agreements made with the Office of Government Ethics (OGE), and will sever any current or future potential or actual conflicts of interest that are identified by OGE.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

   Yes. The position for which I am being considered does not require me to sever all connections with my current employers or associations. I will continue to maintain my employment with Health Management Associates. I will also continue my service as a volunteer Director for the Kathryn Weit Foundation, Family Voices and Disability Rights, and Education Defense Fund. I will however be bound by ethics agreements made with the Office of Government Ethics (OGE), and will sever any current or future potential or actual conflicts of interest that are identified by OGE.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

   No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.

   None.

2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   None.

3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.

   Testimony before the Oregon House Committee on Human Services, Supported Decision Making and HB2105, March 2021: *https://olis.oregonlegislature.gov/liz/2021R1/Measures/Testimony/HB2105.*

4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

   Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Social Security Advisory Board and the Office of Government Eth-

ics. I understand that my ethics agreement has been provided to the committee. I am not aware of any potential conflict other than those addressed by my ethics agreement. If I have any questions arise, I will consult with SSAB career ethics officials.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

I understand that my ethics agreement has been provided to the committee along with the accompanying transmittal documents.

D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (*e.g.,* an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than a minor traffic offense? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.

No.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

QUESTIONS SUBMITTED FOR THE RECORD TO SHARON BETH LEWIS

QUESTIONS SUBMITTED BY HON. BILL CASSIDY

SSA OPERATIONAL CONCERNS

Question. 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 and 800 number wait times; overpayments; electronic systems modernization; outdated dictionary of occupational titles; poor employee morale—*lowest in the entire Federal Government;* and lack of performance metrics provided to Congress by SSA.

With this in mind, can you describe how your background can help Congress better understand the current serious operational issues facing SSA?

Answer. 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.

Question. 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?

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?

Answer. 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.

Question. 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.

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?

Answer. 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 tech-

nical 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.

QUESTIONS SUBMITTED BY HON. CHUCK GRASSLEY

Question. 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?

Answer. 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.

Question. 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?

Answer. 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 [1] 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

[1] *https://s3-us-gov-west-1.amazonaws.com/cg-778536a2-e58c-44f1-9173-29749804ec54/uploads/2020/10/Summary-of-Disability-Process-Improvement-Roundtables-final.pdf.*

for 4 decades, limit SSI recipients from accessing enough income to minimally subsist without substantial hardship, and to save more than $2,000. 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.

Question. 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?

Answer. 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.

QUESTIONS SUBMITTED BY HON. TIM SCOTT

Question. One area I'm hoping you can commit to focusing on is the Social Security Administration's 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.

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?

Answer. 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.

Question. Social Security is a vital pillar of the American retirement system. Retirement and disability benefits represent approximately 30 percent of total income for the median beneficiary household headed by someone age 65 or over;[2] for more than 1 in 10 of such households, Social Security provides at least 90 percent 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 percent 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

[2] *https://www.ssa.gov/news/press/factsheets/basicfact-alt.pdf.*

realm, but we require an advisory board that is ready to collaborate with us in Congress to develop and improve solutions.

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

Answer. 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.

Question. 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-percent benefit cut in 2033 and how the SSAB could contribute to collaborative efforts with Congress to address this issue?

Answer. 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.

Question. Separate from Social Security's Old-Age and Disability Insurance programs, SSA also administers the Supplemental Security Income 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 percent 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.

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?

Answer. The SSI program's asset limits are outdated, having not been adjusted in 40 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.

PREPARED STATEMENT OF COREY ANNE TELLEZ, NOMINATED TO BE DEPUTY UNDER SECRETARY/DESIGNATED ASSISTANT FOR LEGISLATIVE AFFAIRS, DEPARTMENT OF THE TREASURY

Chairman Wyden, Ranking Member Crapo, and members of the Finance Committee, I appreciate the opportunity to be considered for the position of Assistant Secretary for Legislative Affairs for the U.S. Department of the Treasury. I want to thank President Biden and Secretary Yellen for their support, as well as Senator Durbin for his generous introduction.

I also would like to thank my family: my mother, stepfather, and sister, who have provided unconditional love and encouragement; my fiancé Mike, who supports me in ways big and small every day; our daughter, who has brought more joy to our lives than we could've imagined; and an amazing group of friends who have encouraged me, counseled me, and kept me humble.

At a young age, I was fascinated by the stories of people who shaped our country and communities. Before I knew that public policy could be a profession, I was drawn to the idea of creating laws to improve the community in which I grew up. My sister and I were raised in the south suburbs of Chicago by a single mom who sacrificed tirelessly to ensure we had what we needed. She taught us by example to always act with honesty and integrity in our personal and professional lives. Helping to create and implement policies to improve the lives of working families like ours has motivated me every day.

After law school, I moved to Washington, DC to see the work of Congress first-hand. Like many congressional staffers, I started as an unpaid intern, working a second job to make ends meet. Over the next 5 years, I had the opportunity to work for three House members: Congressman Cuellar from Texas, Congresswoman McCarthy from New York, and Congresswoman Halvorson from Illinois. I thank these members for trusting me to serve their constituents and for teaching me how the legislative and executive branches work together in practice to best serve the American people. Whether I was working with constituents on grant applications or managing a team advancing legislation, I experienced the importance of this partnership and valued the close collaboration with Democratic and Republican administrations on issues big and small.

In 2011, I joined Senator Durbin's office, where I served for nearly 11 years as his Economic Legislative Assistant, Legislative Director, and Deputy Chief of Staff. I was proud to work on behalf of constituents in Illinois, where most of my family resides and which I still consider home. I will always be grateful to Senator Durbin and his incredible team who embody what it means to dedicate your life to helping others.

During my time in the Senate, I spent many long hours, late nights, and weekends working with others to find common ground, often on challenging issues under short deadlines. Having grown up in a large family with diverse views, I understand the importance of respectful debate and discussion. Relying on the values instilled in me by my family, I developed relationships with staff on both sides of the aisle who, like me, were motivated to improve people's lives, even if we had different ideas about how best to do so.

When I joined Treasury's Office of Legislative Affairs in 2022, I brought with me lessons learned over a 16-year career on Capitol Hill. To name just a few, the value of bipartisanship, the willingness to compromise, and the importance of an open line of communication between Congress and the executive branch. During my time at Treasury, I have been accessible and responsive to members of Congress and their staff, and if confirmed, I look forward to continuing to be a partner to you and your colleagues across Congress.

Finally, I want to thank your staff. Their hard work makes a hearing like this possible, and I appreciate the professionalism they have shown me. I look forward to continuing this engagement if I am privileged enough to be confirmed.

I look forward to your questions.

SENATE FINANCE COMMITTEE

STATEMENT OF INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Corey Anne Tellez.
2. Position to which nominated: Deputy Under Secretary (Legislative Affairs) of the Treasury.
3. Date of nomination: November 13, 2023.
4. Address (list current residence, office, and mailing addresses):

5. Date and place of birth: September 23, 1980, LaGrange, Illinois.
6. Marital status (include maiden name of wife or husband's name):

7. Names and ages of children:

8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):

University of Illinois, Urbana-Champaign, 1998–2001, Bachelor of Science 12/2001.

University of Illinois College of Law, 2002–2005, Juris Doctor 5/2005.

9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

U.S. Department of the Treasury, Office of Legislative Affairs (January 2022–present), Washington, DC.
Principal Deputy Assistant Secretary (November 2022–present).
Deputy Assistant Secretary (International Affairs) (January 2022–November 2022).

Office of U.S. Senator Dick Durbin (April 2011–January 2022), Washington, DC.
Deputy Chief of Staff (April 2019–January 2022).
Legislative Director (August 2015–April 2019).
Legislative Assistant (April 2011–August 2015).

Office of Representative Debbie Halvorson (January 2009–January 2011), Washington, DC.
Deputy Chief of Staff/Counsel (December 2009–January 2011).
Legislative Director (January 2009–December 2009).

Office of Representative Carolyn McCarthy (February 2007–January 2009), Washington, DC.
Legislative Assistant.

Office of Representative Henry Cuellar (September 2005–February 2007), Washington, DC.
Grants Coordinator/Legislative Assistant (July 2006–February 2007).
Scheduler (April 2006–June 2006).
Staff Assistant (March 2006).
Intern (unpaid) (September 2005–March 2006).

Ruth's Chris Steakhouse (10/2005–2014), Arlington, VA.
Hostess.

State Net (2/2006–12/2006), Alexandria, VA.
Temporary research assistant.

Curzon Staffing (9/2005–10/2005), Alexandra, VA.
Temporary worker.

Kennedy's at Stone Creek Restaurant (2005), Urbana, IL.
Server.

Brady Center to Prevent Gun Violence (Summer 2004), Washington, DC.
Legal Intern.

Magistrate Judge David G. Bernthal (Summer 2003), Urbana, IL.
Legal Extern.

Professor B. Ginsburg, Professor of Law and Political Science (2003–2004), Urbana, IL.
Research Assistant.

Bogart's Charhouse (2002), Tinley Park, IL.
Server.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):

N/A.

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.,* limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

N/A.

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):

Illinois Bar Association (2005–present; member).

Jenkins Hill Society (2014–2017; member).

Congressional Hispanic Staff Association (2007–2022; member).

National Hispanic Bar Association (2005–present; member).

Senate Employee Child Care Center (2018–2021; member).

Latino/a Law Student Association (2002–2005; member; served as Secretary during the 2003–2004 school year).

Elder Law Journal, University of Illinois College of Law (2003–2005; member; Writing Competition Coordinator).

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate dating back to the age of 18.

None.

b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

None.

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years prior to the date of your nomination.

10/21/2020; Detsy Dirksen Longrigan for Congress; $100.

10/01/2020; Biden for President; $1,000.

10/01/2020; Biden Victory Fund; $1,000.

05/31/2017; Stabenow for U.S. Senate; $250.

03/14/2017; Heidi for Senate; $150.

10/20/2016; IL/NH Victory Fund; $300.

07/15/2016; Julia Brownley for Congress; $300.

07/15/2016; Friends of Elizabeth Esty; $150.

07/15/2016; Kyrsten Sinema for Congress; $150.

07/15/2016; DelBene for Congress; $150.

07/15/2016; Kuster for Congress; $150.

02/21/2016; Friends of Cheri Bustos; $300.

09/09/2015; People for Patty Murray; $300.

06/27/2015; Friends of Cheri Bustos; $150.

04/29/2015; Julia Brownley for Congress; $150.

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

Dean's List (various semesters).
University of Illinois Lincoln Scholar (1998).

15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

N/A.

16. Speeches (list all formal speeches and presentations (*e.g.,* PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position

for which you have been nominated, including dates. Provide the committee with one digital copy of each formal speech and presentation.)

N/A.

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

I had the honor of serving four members of Congress in both the House and Senate over a period of nearly 16 years, including most recently serving as Deputy Chief of Staff to the Democratic Whip, Senator Dick Durbin. Over the last nearly 2 years, I have served in the Biden-Harris administration in the Office of Legislative Affairs at the U.S. Department of the Treasury, where I have worked with a team of dedicated professionals responsible for facilitating robust engagement with the legislative branch and advising the Secretary on matters related to Congress.

I have developed a deep understanding of Congress, and I have a proven record of working to find common ground and to develop bipartisan policy solutions. I have nearly a decade of experience managing and motivating a team of professionals to identify solutions and respond to constituencies and stakeholders by thinking creatively to meet established goals.

Engagement consistent with the checks and balances under the Constitution between the legislative and executive branches of government is vital to our democracy. If confirmed, my experience and background will allow me to lead and support this critical engagement between the Department of the Treasury and Congress.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

Yes.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

No.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.

None.

2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None

3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.

N/A.

4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Designated Agency Ethics Official at the Department of the Treasury to identify any potential conflict of interest. Any conflict of interest will be resolved according to the terms of an ethics agreement that I have entered into with the Treasury Department's Designated Agency Ethics Official and that will be provided to this committee. In the event that an actual or potential conflict of interest arises during my appointment, I will consult with the Treasury Department's ethics counsel and take the measures necessary to resolve the conflict.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

   I understand that my ethics agreement has been provided to the committee along with the accompanying transmittal documents.

D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (*e.g.,* an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the outcome.

   No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than a minor traffic offense? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

   No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   No

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.

   No.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

   None.

E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

   Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

   Yes.

QUESTIONS SUBMITTED FOR THE RECORD TO COREY ANNE TELLEZ

QUESTIONS SUBMITTED BY HON. BILL CASSIDY

TREASURY DEPARTMENT—BIPARTISAN COLLABORATION

Question. You are currently the Acting Assistant Secretary for Legislative Affairs, the position for which you are now nominated. Prior to joining Treasury, you served as Deputy Chief of Staff and Legislative Director to Senate Majority Whip Senator Richard J. Durbin (D–IL). In that role you worked closely with my team to help pass INFORM Consumers, a common-sense bipartisan policy that is now law.

Given your track record of working well across the aisle, can you tell us how your past experience has informed your ability to both communicate with and work with offices in your acting capacity within the Department of Treasury?

Answer. What motivates me every day is helping to create and implement policies that improve the lives of people across the country. From my professional experience, I bring a deep appreciation for open dialogue between Congress and the executive branch and the importance of working to find common ground on tough issues. During my 16-year career on the Hill, I built and maintained relationships with staff and members on both sides of the aisle to deliver results that benefited the American people. This work included legislation like the INFORM Consumers Act you mention and annual appropriations bills, just to name a few. I also requested and relied on timely and accurate information from executive branch agencies to resolve constituent issues, develop legislation that would be administrable, and ensure effective implementation of laws passed by Congress. I have applied these lessons to my current role at Treasury as Acting Assistant Secretary for Legislative Affairs. During my time at Treasury, I have worked to ensure my team and the Department are responsive to Congress so members and staff have the information they need to accomplish their legislative goals. I have worked with offices on both sides of the aisle to ensure the Department understands and addresses Congressional priorities in Treasury's purview. I would look forward to continuing this engagement with and responsiveness to Congress, if I am confirmed.

Question. If confirmed, can you tell us how you will further strengthen the relationship between the Treasury Legislative Affairs office and the Hill?

Answer. If confirmed, I commit to being a full partner to your office, the Senate Finance Committee, and all of Congress. I will ensure we provide timely, accurate responses to congressional inquiries, whether official correspondence, questions for the record, briefing requests, or other means. I will foster an environment that provides for open dialogue between the Department and Congress, so that we understand congressional priorities, elevate those respectfully within the Department so they can be addressed, and ensure we are sharing updates on Treasury's work that are of interest to Congress. If confirmed, I look forward to being a resource to Congress, and would continue the direct, frequent engagement I have had thus far during my time at Treasury.

QUESTIONS SUBMITTED BY HON. CHUCK GRASSLEY

Question. While fulfilling my constitutional obligation to conduct oversight of the executive branch of government, I and my staff frequently ask questions of and request information from components of the Treasury Department and specifically the Internal Revenue Service. I am concerned that it may take longer to receive responses and information if requests to components of Treasury are also scrubbed by main Treasury.

Do you agree that components of the Treasury Department, such as the Internal Revenue Service, should be able to respond to questions and requests for information from members of Congress directly without the Treasury Department itself acting as a bottleneck and slowing down the flow of information?

Will you encourage staff throughout the Treasury Department to respond to questions and requests from members of Congress freely without seeking approval from yourself or other Treasury leadership?

Answer. Individual Treasury bureaus, including the Internal Revenue Service, have legislative affairs offices that regularly answer questions and inquiries from congressional offices. I agree that it is important for these legislative affairs offices

to be able to act quickly to respond to urgent congressional requests, including constituent inquiries.

When responding to any congressional inquiry, Treasury strives to ensure that it is providing the most accurate, comprehensive information that reflects the position of the Department as a whole. There are many matters on which various Treasury bureaus and offices work together closely and collaboratively, including matters where the Internal Revenue Service coordinates with Treasury's Office of Tax Policy. Accordingly, different Treasury components sometimes work together to respond to a congressional inquiry relating to any such matter. This ensures that all relevant internal stakeholders are given an opportunity to contribute to the response, so that Congress can get an accurate and complete response on which it can rely.

Question. On Friday, February 10, 2023, Secretary Yellen finally responded to written questions sent to her after a June 7, 2022, hearing on the President's Fiscal Year 2023 budget request. Aside from being unprofessionally extremely late, the response included the disclaimer that "Secretary Yellen's responses to these questions for the record reflect information available as of the date of receipt of these questions, June 16, 2022." Considering the responses were received nearly 8 months after the questions were asked, this disclaimer was entirely inappropriate.

Unfortunately, this lengthy delay is not unusual for the length of time it has taken Treasury officials to respond to written questions for the record.

How long do you think is appropriate for members of this and other committees to wait for responses to written questions?

If it is not possible to respond promptly or other considerations need to be made when responding to my questions or requests, do you pledge to discuss those issues with myself or my staff, and not let others determine the conditions under which my inquiries are responded to?

Answer. The goal of Treasury's Office of Legislative Affairs is to get you information that is accurate, is up to date, and reflects the position of the Department as a whole. Since you are relying on this information to conduct your legislative work, it is important that we get things right.

Questions for the record often span a broad range of issues, including many issues on which various Treasury offices work closely and collaboratively. Upon receiving questions for the record, the Office of Legislative Affairs promptly begins the process of coordinating with subject-matter experts across the Department to obtain accurate and timely responses that reflect the views of all relevant stakeholders. This process can take considerable time, even though the Department is making every effort to respond quickly.

If confirmed, I commit that I will do all that I can to ensure these processes work smoothly and expeditiously. The Department is, and will remain, an important partner for Congress as it works to fulfill its legislative agenda.

QUESTIONS SUBMITTED BY HON. TODD YOUNG

Question. One of the important roles that Congress plays in relation to the executive branch is providing oversight of executive branch activities.

How do you plan to work with members of this committee and their staff to ensure members are able to effectively engage with the Treasury Department and provide critical oversight of the department?

Answer. I deeply value the oversight role of Congress and believe government functions best when Congress conducts robust and rigorous oversight to identify waste, fraud, and abuse. After having been a staffer on the Hill for 16 years, I know firsthand how important the relationship between Congress and the executive branch is for effective oversight and for enacting and implementing policies that help the American people. The Department endeavors to be responsive to all inquiries that we receive from members of Congress, and the goal of the Office of Legislative Affairs is always to provide Congress information that would be helpful to inform its work.

If confirmed, I will foster an open dialogue between Congress and Treasury by ensuring members and staff have access to Treasury experts and leadership to discuss issues important to them, hearing from Congress about their priorities and relaying those priorities respectfully within the Department, and engaging with both sides

of the aisle. If confirmed, one of my top priorities will also be to provide Congress with timely and accurate responses because I know how essential this information is for the work of Congress.

Question. In this role, you would be tasked with advising the Secretary of the Treasury on congressional policy matters.

Can you please outline how you intend to ensure transparency between the Treasury Department and Congress if confirmed to this role?

Answer. During my time on Capitol Hill and at Treasury, I have seen firsthand how critical open dialogue and regular engagement between these two branches of government is for developing and implementing policies that benefit the American people. If confirmed, I would look forward to being a full partner to this committee. What that means to me is that I would regularly engage with Congress to understand congressional priorities, elevate these issues within the Department and work to address these priorities, share information with Congress about Treasury programs and implementation of laws passed by Congress, and provide timely, accurate responses to congressional inquiries.

PREPARED STATEMENT OF HON. RON WYDEN,
A U.S. SENATOR FROM OREGON

The Finance Committee meets this morning to consider four nominations: a nominee for Treasury Assistant Secretary for Legislative Affairs, and three nominees to be members of the Social Security Advisory Board.

First, Corey Tellez is nominated to be Assistant Secretary for Legislative Affairs, who coordinates the Treasury Department's communications with the Congress. This is a critically important job, not just for the work that this committee does, but many others as well. The person in this role is key to getting the Congress accurate and timely information that allows us to make good policy.

Ms. Tellez is as qualified a nominee as they come. She served as a staffer in both the House and Senate, including 11 years working for Senator Dick Durbin, before joining Treasury's Office of Legislative Affairs—the office she is now nominated to lead. I have some personal endorsements from Senator Durbin that I'll share when I introduce the nominees.

The committee will also consider the three nominees for the Social Security Advisory Board. The Board is responsible for advising the President and Congress on Social Security policy. It regularly makes important recommendations dealing with maintaining the solvency of Social Security programs, improving service for beneficiaries, and helping seniors enjoy a dignified retirement. For committees like this one that work hard to protect Social Security, the top-notch, bipartisan reports the Board produces on a range of issues are invaluable.

The first nominee to the Board is Kathryn Lang, who currently serves as director of Federal income security for the senior group Justice in Aging. She brings a wealth of experience navigating Social Security's disability determination process on behalf of seniors and people with disabilities and advocating for changes to improve the Social Security programs.

Having started my career as codirector of the Oregon Gray Panthers, I'm always thrilled to have somebody with a background in legal aid for senior citizens join us in this room.

Next, we have Sharon Lewis, who has spent nearly her entire career fighting on behalf of people with disabilities, including in my home State of Oregon. Ms. Lewis previously served at the Department of Health and Human Services as the Principal Deputy Administrator for the Administration for Community Living, and served on the House Committee on Education and Labor under Chairman George Miller.

Finally, we have Andrew Biggs, senior fellow at the American Enterprise Institute. He brings decades of experience on Social Security and retirement policy, previously serving as Principal Deputy Commissioner of Social Security and at the White House during the George W. Bush administration.

Now, it should come as no surprise that I have serious concerns about Mr. Biggs's nomination, given his background as one of the architects for privatization. Just a few weeks ago, he argued in a *Wall Street Journal* op-ed that Social Security is not an earned benefit. That represents a fundamental misunderstanding of the program

and what it was designed to do. Social Security is an earned benefit because you don't receive it until you've worked and paid into it for at least 10 years.

The mission of every Board member is to work toward gathering bipartisan consensus to strengthen Social Security, and should he be confirmed, I fear Mr. Biggs would be nothing more than a megaphone for partisan ideas to deny seniors their hard-earned benefits.

With Leader McConnell putting forward Mr. Biggs as the Republican nominee for the Board, I am concerned that Republicans' preference is to have someone who has actively worked to dismantle the program rather than protecting the promise that Social Security has represented for generations.

I believe Ms. Tellez, Ms. Lang, and Ms. Lewis are the right people for these jobs at the right time. I will support their nominations, and I encourage all my colleagues to support them as well.

