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## U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS  
1139 LONGWORTH HOUSE OFFICE BUILDING  
Washington, DC 20515

November 17, 2023

The Honorable Kilolo Kijakazi  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Kijakazi,

We write in strong support of the Social Security Administration's (SSA's) Notice of Proposed Rulemaking, "Intermediate Improvement to the Disability Adjudication Process: Including How We Consider Past Work" (88 Fed. Reg. 67135, September 29, 2023). This proposal will make evidence-based, much-needed updates to SSA's rules, supporting fairness and accuracy in the agency's disability determinations while also improving customer service.

The Social Security and Supplemental Security Income (SSI) disability programs provide vital income for people who can no longer work at a substantial level because of a severe medical condition. Monthly benefits help disabled workers and their families to put food on the table, keep a roof over their heads, pay medical bills, and secure other basics. Social Security and SSI disability benefits are particularly important for people of color and women, who on average have fewer resources to fall back on in the event of a sudden career-ending impairment, and for children. It is impossible to overstate the importance of these SSA programs to the American people.

To qualify for SSA disability benefits, individuals must have severe, long-lasting impairments which not only prevent them from doing their past work, but also prevent them from adapting to new lines of work. Under this stringent standard established in the Social Security Act, SSA denies the majority of applicants, approving fewer than 4 in 10 claims.

Applicants must submit to SSA extensive evidence documenting their medical impairments and past work experience. SSA generally considers a job to be relevant to an application if it was done within the past 15 years (or "lookback period"), paid at or above a substantial level (set at


\$1,470 a month in 2023), and lasted long enough for the individual to learn to do the work. Applicants must provide detailed information about all of their past relevant jobs, which may include dates and hours worked, job title(s), pay, job duties, any equipment used, and the physical and mental demands of the job.


SSA established its rules on past work experience nearly 50 years ago. The length of the current lookback period was appropriate in the 1970s, but no longer reflects how job responsibilities change today and the rapid pace at which skills learned on the job can become out of date. In addition, the length of the current lookback period can be burdensome for applicants, who often have a hard time recalling the details of jobs many years in the past and may be asked to provide detailed information about jobs they held for only a short time. Finally, it is very time-consuming and resource-intensive for SSA to collect and assess detailed information about every job a claimant held going back many years, which further exacerbates the current harmful disability claims backlogs.

For these reasons, SSA's proposed rule to shorten the work experience lookback period is a commonsense and long-overdue improvement. Foremost, the proposed rule will improve fairness and accuracy in disability determinations, by directing SSA to focus on the most current and relevant information about applicants' past work. This aligns the lookback period with evidence about the pace of change in the modern labor market. In addition, the proposed rule will improve efficiency for claimants and SSA. Notably, it will reduce the burden on vulnerable applicants, who will no longer have to struggle to recall details of jobs from many years ago. It will also streamline and speed up SSA's claims processing – a much-needed improvement at a time when more than one million Americans face historically high delays in SSA's processing of their disability applications.

SSA's ability to make decisions that are both accurate and timely is fundamental to upholding the promise made to disabled workers who contributed to Social Security and now face a time of need. We thank you for your leadership and urge you to swiftly finalize this much-needed proposed rule.

Sincerely,

  
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John B. Larson  
Ranking Member  
Subcommittee on Social Security

  
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Danny K. Davis  
Ranking Member  
Subcommittee on Worker and Family Support