Congress of the United States
House of Representatives
Washington, DC 20515–1304

March 17, 2021

Andrew Saul
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235-6401

RE: Employer Correction Request Notices

Dear Commissioner Saul,

We write to express strong opposition and concerns about the Social Security Administration's (SSA) directive to impose Employer Correction Request Notices also referred to as "No-Match Letters." The issuance of these notices, initiated and reinstituted under the Trump Administration, diverts resources away from frontline, SSA workers whose primary mission is administering benefits. Additionally, this rule has resulted in increased discrimination, abuses, and termination against U.S. workers, particularly women and immigrants.

The SSA already has a policy in place that uses "front-end validation routines" to identify and address possible errors in worker names and Social Security Numbers, such as typographical errors, transpositions, and misspellings. We do not oppose the routine practice of removing records from the Earnings Suspense File (ESF). In fact, these first validation processes resolve approximately 60 percent of the reports initially categorized as mismatches.[i] On the other hand, the cost of producing and mailing No-Match Letters and handling follow-up calls to employers was approximately $1.3 million and resulted in only 35,000 items being removed from the ESF with a case file of 39 million inaccurate records.

The $1.3 million "No-Match Letter" production cost can be used for better means to serve America's growing Social Security beneficiary population -- growing at a rate of nearly 1 million yearly. These investments could include: (1) sending earning statements to American wage earners, as the law requires, but is not being done; (2) more fully staffing existing field offices and re-opening those that have been closed in underserved areas; (3) hiring additional SSA customer service staff to operate the 1-800 number, so the American people are not confronted with long waits and busy signals; (4) clear disability back logs; (5) increasing SSA's core operating budget; (6) increasing field office hours; (7) improve technological advancements to aid in clearing backlogs, and (8) hiring additional administrative law judges (ALJ).

It is imperative to recognize that many legal workers -- including U.S. citizens – will receive No-Match Letters because of clerical errors, unreported name changes, and other discrepancies in their records. The consequences include: (1) causing the firing of employment-authorized workers and U.S. citizens; (2) imposing additional costs and fees on employers; (3) increased discriminations and abuses on the basis of citizenship, nationality, or by pursuing unfair documentary practices in violation of the Immigration and Nationality Act (INA); and ultimately, (4) overwhelming SSA by diverting resources away from its mission of processing benefits in a timely way.

For the reasons above, we urge you to immediately suspend the employer No-Match letter program. We also request responses to the following inquiries:

1. Can your Administration provide the scope of how many No-Match letters were issued at the end of the Trump Administration?
2. What actions is the current Administration taking to prevent the intimidation of employers that these letters cause, including the unnecessary termination of many working-class individuals?
3. Does the Biden-Harris Administration commit to suspending the issuance of further No-Match letters?

Experience has proven that the No-Match Letter program does not effectively serve its purpose and causes harmful impacts on the Social Security Administration, American workers and small businesses – serious consequences which outweigh any benefits derived from them.

Thank you for the opportunity to comment on the upcoming directive.

Sincerely,

Jesús G. "Chuy" García   Jim Costa   Raúl M. Grijalva
Member of Congress   Member of Congress   Member of Congress

/s/
Grace F. Napolitano
Member of Congress

/s/
Ayanna Pressley
Member of Congress

/s/
Jan Schakowsky
Member of Congress

/s/
Bonnie Watson Coleman
Member of Congress

/s/
Pramila Jayapal
Member of Congress

/s/
Marie Newman
Member of Congress

/s/
Judy Chu
Member of Congress

/s/
Juan Vargas
Member of Congress

/s/
Tony Cárdenas
Member of Congress