

September 19, 2022

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office (GAO)
441 G Street, NW
Washington, DC 20548

Dear Comptroller Dodaro:

The Social Security Act requires that the Boards of Trustees of the Social Security and Medicare trust funds, as one of their duties, “Report to the Congress not later than the first day of April of each year on the operation and status of the Trust Funds...” Disregarding the law, the 2021 trustees report was not issued until August 31 of last year, the latest issuance date relative to the statutory deadline since at least 1995. Subsequently, the 2022 report was once again issued, on June 2, beyond the statutory deadline. In both instances, the Managing Trustee, who also serves as the Treasury Secretary, provided no meaningful communication to either the public or Congress explaining the delay.

The Biden Administration has ignored [repeated](#) Congressional [inquiries](#) demanding to know why the trustees reports have not been submitted on schedule. Neither the Managing Trustee nor the Boards as a whole have signaled any intent to modify internal processes and procedures, and perhaps even update Board bylaws, to improve (1) the timeliness of the reports’ delivery and (2) the communication with the public and Congress about the status of the reports’ due date.

Of note, the Social Security Administration has unfortunately become politicized, as the President chose to remove without cause a Commissioner who had been duly appointed with the advice and consent of the Congress. In addition, there have not been the requisite public trustees to represent the public and help avoid a purely partisan Board composition since the 2015 reports were issued. Because of actions by the current administration, it unfortunately cannot now be said that management and oversight of the Social Security Administration or Medicare has representation from a significant share of the voting population who are not members of one political party.¹

With respect to reporting on the financial conditions of trust funds, once again this year the reports were issued well beyond the statutory deadline, and there was no process followed by the Managing Trustee for informing the public or members of Congress about the delay or reasons for the delay.

Your useful report (GAO-21-105413 Timeliness of Trust Fund Reports) of September 30, 2021, reiterated prior GAO recommendations, including that the Secretary of the Treasury, in the secretary’s capacity as the chairperson of the boards, “work with the other trustees to establish a policy to inform congressional committees of jurisdiction when the reports are expected to miss

¹ The Acting Commissioner installed by the President was done so outside of the protective parameters of the Federal Vacancies Reform Act of 1998 (Vacancies Act), resulting in an Acting Commissioner with no known term-in-office finality.

this deadline; we recommend that this outreach include the factors contributing to the delay and the updated expected issuance dates.” While your letter of September 30, 2021 identifies that “Treasury concurred” with GAO recommendations, there is no evidence of concurrence in practice.

For this year’s reports, the Managing Trustee, or her designee, failed to keep the congressional committees of jurisdiction regularly informed of the anticipated report delivery dates. There was no indication that the Boards anticipated missing the statutorily set report due date, nor was there any communication by the Managing Trustee or the boards about delays, let alone reasons for delays. Late reporting on financial conditions of important trust funds that support multi-trillion-dollar Social Security and Medicare programs does not seem important to the administration, even in light of the striking decision by the President to politicize the Social Security Administration.

As Congress is increasingly compelled to rely on the Congressional Budget Office’s estimated projections of the financial condition of both the Social Security and Medicare trust funds as a source of nonpartisan, timely analysis, we recommend that GAO continue to monitor the Managing Trustee’s lack of adherence to statutory deadlines and urge significant improvements in transparency and communication with the public and Congress.

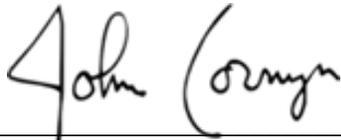
Sincerely,



Mike Crapo
United States Senator



Charles E. Grassley
United States Senator



John Cornyn
United States Senator



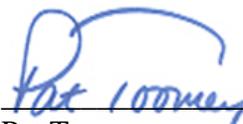
John Thune
United States Senator



Richard Burr
United States Senator



Rob Portman
United States Senator



Pat Toomey
United States Senator



Tim Scott
United States Senator

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senator

James Lankford

James Lankford
United States Senator

Steve Daines

Steve Daines
United States Senator

Todd Young

Todd Young
United States Senator

Ben Sasse

Ben Sasse
United States Senator

John Barrasso

John Barrasso, M.D.
United States Senator