

RICK SCOTT, FLORIDA, CHAIRMAN

DAVID McCORMICK, PENNSYLVANIA
JAMES C. JUSTICE, WEST VIRGINIA
TOMMY TUBERVILLE, ALABAMA
RON JOHNSON, WISCONSIN
ASHLEY MOODY, FLORIDA
JON HUSTED, OHIO

KIRSTEN E. GILLIBRAND, NEW YORK, RANKING MEMBER

ELIZABETH WARREN, MASSACHUSETTS
MARK KELLY, ARIZONA
RAPHAEL G. WARNOCK, GEORGIA
ANDY KIM, NEW JERSEY
ANGELA D. ALSOBROOKS, MARYLAND

United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

January 31, 2025

Mr. Vince Haley
Director
Domestic Policy Council
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. Haley,

I write concerning the impact of President Trump's hiring freeze on older adults, veterans, and people with disabilities, as well as the need for transparency for proposals that would substantially cut those programs. Despite the importance of programs that support older adults, veterans, and people with disabilities, President Trump's hiring freeze provides inadequate protections for Social Security, Medicare, and veterans' benefits. Worse, President Trump has mandated the development of a scheme to slash spending on those programs, without requiring transparency or public feedback. I ask that you answer questions related to the impact of President Trump's federal hiring freeze on older adults, veterans, and people with disabilities. I also ask that you answer questions related to the development of spending cuts targeting older adults, veterans, and people with disabilities.

Older adults, veterans, and people with disabilities rely on Social Security, Medicare, and veterans' benefits to make ends meet. Nearly nine out of ten older adults and over seven million veterans received a Social Security benefit in 2024, while Social Security Disability Insurance serves millions of workers with disabilities and their children.¹ Medicare provides health insurance coverage to roughly 68 million people, including adults age 65 or over and people with disabilities.² The Department of Veterans Affairs (VA) granted benefits to over one million veterans and their survivors in fiscal year 2024 alone, including health care, education benefits, and disability compensation.³ Together, these programs provide crucial supports for our constituents and people throughout the United States.

¹ "Fact Sheet: Social Security," Social Security Administration, last accessed January 30, 2025, <https://www.ssa.gov/news/press/factsheets/basicfact-alt.pdf>; "Veteran Beneficiaries, 2024," Social Security Administration, last updated November 2024, <https://www.ssa.gov/policy/docs/population-profiles/veteran-beneficiaries.html>; "Monthly Statistical Snapshot, December 2024," Social Security Administration, last updated January 2025, https://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/.

² "Medicare Monthly Enrollment," Centers for Medicare & Medicaid Services, last updated December 27, 2024, <https://data.cms.gov/summary-statistics-on-beneficiary-enrollment/medicare-and-medicaid-reports/medicare-monthly-enrollment>.

³ "VA has now granted benefits to 1.1 million Veterans and their survivors in fiscal year 2024, surpassing all-time record," Department of Veterans Affairs, July 23, 2024, <https://news.va.gov/press-room/va-has-now-granted-benefits-to-1-1-million-veterans-and-their-survivors-in-fiscal-year-2024-surpassing-all-time-records/>.

Despite the importance of Social Security, Medicare, and veterans' benefits, President Trump has enacted a hiring freeze that endangers the federal government's ability to properly administer those programs.⁴ Under the executive order creating the hiring freeze "no Federal civilian position that is vacant at noon on January 20, 2025, may be filled, and no new position may be created."⁵ President Trump's hiring freeze is troubling in light of existing staff shortages at federal agencies. For example, last year the Social Security Administration's (SSA's) workforce hit a 27-year low, despite the agency's role in processing applications for Social Security and Medicare.⁶ Meanwhile, in fiscal year 2024, over 86 percent of Veterans Health Administration facilities reported severe shortages for medical officers and 82 percent reported similar shortages for nurses.⁷ There is a clear need to boost staffing at these important agencies, rather than delay hiring or slash important roles.

Evidence suggests that a hiring freeze will hinder the ability of agencies to carry out their mission, yet President Trump's hiring freeze provides inadequate protections for Social Security, Medicare, and veterans' benefits. According to a nonpartisan report, earlier federal hiring freezes "ignored individual agencies' missions, workload, and staffing requirements," which caused "disrupted agency operations, and in some cases, increased costs to the Government."⁸ President Trump's hiring freeze explicitly exempts national security programs, but does not include Social Security, Medicare, or veterans' programs in that exemption.⁹ Instead, separate language states that nothing in President Trump's executive order "shall adversely impact the provision of Social Security, Medicare, or Veterans' benefits."¹⁰ The executive order does not define "adverse impact." The use of separate, ill-defined language for Social Security, Medicare, and veterans' benefits suggests that they are at greater risk than national security programs.

President Trump's hiring freeze also advances the development of a scheme to slash spending for Social Security, Medicare, and veterans' benefits, without requiring transparency for the unelected officials involved. The executive order creating the hiring freeze states that the Office of Management and Budget (OMB), the Office of Personnel Management (OPM), and the United States DOGE Service (DOGE), "shall submit a plan to reduce the size of the Federal

⁴ "Hiring Freeze," White House, January 20, 2025, (hereinafter "Trump Hiring Freeze"), <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

⁵ *Id.*

⁶ Andy Markowitz, "Social Security Chief Warns Local Offices Could Buckle Amid Staff Woes," AARP, June 3, 2024, <https://www.aarp.org/retirement/social-security/info-2024/local-office-staff-shortages.html?msocid=281ba858c106624f2fb1bd75c00763fe>; "Apply for Social Security benefits," Social Security Administration, last accessed January 30, 2025, <https://www.ssa.gov/apply>; "Sign up for Medicare," Social Security Administration, last accessed January 30, 2025, <https://www.ssa.gov/medicare/sign-up>; SSA's staffing shortages are, in part, caused by a preexisting SSA hiring freeze created by recalcitrant Congressional Republicans. However, President Trump's hiring freeze risks adding fuel to a raging fire. See Alexander Bolton, "Social Security beneficiaries at risk of delays amid GOP funding fight," *The Hill*, December 9, 2024, <https://thehill.com/homenews/senate/5027226-social-security-funding-cuts/>.

⁷ Department of Veterans Affairs Office of Inspector General, *OIG Determination of Veterans Health Administration's Severe Occupational Staffing Shortages Fiscal Year 2024*, August 7, 2024, at 1, <https://www.vaog.gov/sites/default/files/reports/2024-08/vaog-24-00803-222.pdf>.

⁸ General Accounting Office, *Recent Government-Wide Hiring Freezes Prove Ineffective In Managing Federal Employment*, March 10, 1982, at i, <https://www.gao.gov/assets/fpcd-82-21.pdf>.

⁹ *Supra*, note 4, Trump Hiring Freeze.

¹⁰ *Id.*

Government’s workforce through efficiency improvements and attrition.”¹¹ However, the executive order does not require OMB, OPM, or DOGE to provide advance notice of meetings, open their deliberations to the public, or create transcripts of their meetings. Nor does the executive order require OMB, OPM, or DOGE to hear from older adults, veterans, and people with disabilities who will be harmed by slashing Social Security, Medicare, and veterans’ benefits. President Trump’s executive order establishing the DOGE likewise does not require DOGE to meet explicit requirements for transparency or public feedback.¹²

The United States Senate Special Committee on Aging (Aging Committee) studies “any and all matters pertaining to problems and opportunities of older people,” including problems related to health, income, care, and assistance.¹³ Further, nearly half of veterans are age 65 and older, and older adults are more likely to have a disability.¹⁴ Accordingly, the Aging Committee is concerned about the impact of the federal hiring freeze and the DOGE on older adults, veterans, and people with disabilities. As Ranking Member of the Aging Committee, I ask you to respond, no later than February 14, 2025, to the following questions:

1. How many openings for full-time-employees exist at SSA, the Centers for Medicare and Medicaid Services (CMS), and VA and are impacted by the hiring freeze? How many of the open positions:
 - a. Involve direct interaction with the public?
 - b. Involve providing assistance to the public with accessing public benefits or services?
 - c. Involve administering or processing public benefits or services?

2. The executive order establishing President Trump’s hiring freeze specifically exempts military personnel, immigration enforcement, national security, and public safety functions. Separately, the executive order states that “nothing in this memorandum shall adversely impact the provision of Social Security, Medicare, or Veterans benefits.”¹⁵
 - a. How has the Trump Administration directed departments and agencies to interpret the use of different language to impact the administration of Social Security, Medicare, and veterans’ benefits compared to the explicitly exempted national security programs?
 - b. How does the Trump Administration define “adverse impact” for Social Security, Medicare, and veterans’ benefits? Please provide specific examples of how Social

¹¹ *Id.*

¹² “Establishing and Implementing the President’s ‘Department of Government Efficiency,’” White House, January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

¹³ “Rules,” Senate Special Committee on Aging, last accessed January 30, 2025, <https://www.aging.senate.gov/about/rules>.

¹⁴ Jonathan Vespa, United States Census Bureau, *Aging Veterans: America’s Veteran Population Later in Life*, July 2023, at 1, <https://www.census.gov/content/dam/Census/library/publications/2023/acs/acs-54.pdf>; “Disability and Health Data Now,” Centers for Disease Control and Prevention, last updated December 18, 2024, <https://www.cdc.gov/disability-and-health/articles-documents/disability-and-health-data-now.html>.

¹⁵ *Supra*, note 4, Trump Hiring Freeze.

Security, Medicare, and veterans' benefits could be adversely impacted by President Trump's hiring freeze.

3. What steps will the Trump Administration take to ensure that access to Social Security, Medicare, and veterans' benefits – including enrollment in those programs and the distribution and administration of benefits – is not slowed, reduced, or interrupted during the hiring freeze?
 - a. What steps will the Trump Administration take to gather feedback from career employees who are responsible for administering programs under Social Security, Medicare, and at the VA, regarding their capacity and their ability to handle additional responsibilities if a hiring freeze is in place? If the Trump Administration does not plan to gather that type of feedback, please explain why.
 - b. How will the Trump Administration gather feedback from older adults, veterans, and people with disabilities regarding whether their access to Social Security, Medicare, and veterans' benefits has been impacted during the hiring freeze? If the Trump Administration does not plan to gather that type of feedback, please explain why.
4. The executive order establishing President Trump's federal hiring freeze states that OPM "may grant exemptions from this freeze where those exemptions are otherwise necessary."
 - a. Please explain what guidance the Trump Administration has provided for OPM on how to determine when an exemption is "otherwise necessary." If the Trump Administration has not and does not plan to provide that guidance, please explain why.
 - b. Please describe the metrics that the Trump Administration has advised that OPM use to determine when an exemption is "otherwise necessary" for departments or agencies that administer Social Security, Medicare, and veterans' benefits. Do those metrics include:
 - i. An increase in wait times for calls to SSA, CMS, and VA?
 - ii. An increase in wait times for in-person meetings at SAA field offices, VA facilities, Medicare regional offices, and other in-person facilities?
 - iii. An increase in application processing times for veterans' benefits, Social Security Benefits, and Medicare benefits?
 - iv. A decrease in customer satisfaction for Americans who are applying for or receive Social Security, Medicare, or veterans' benefits?
 - c. Please also describe the specific thresholds that trigger an "otherwise necessary" exemption for the agencies described above. For example, by how long must wait times for calls or in-person meetings increase to trigger an exemption?
5. Under President Trump's executive order, the federal hiring freeze will end when OMB, OPM, and DOGE submit a plan to President Trump advising him on how to "reduce the

size of the Federal Government’s workforce.”¹⁶ Given the impact of any scheme to slash Social Security, Medicare, and veterans’ benefits, it is important for DOGE’s meetings to be transparent for the older adults, veterans, and people with disabilities who may be harmed by DOGE recommendations.

The Federal Advisory Committee Act (FACA), and federal regulations established to implement FACA, created important transparency requirements for federal advisory committees.¹⁷ Will the Trump Administration require OMB, OPM, and DOGE to meet FACA transparency standards for all DOGE activities, including:

- a. Meeting notices that are published at least 15 calendar days in advance in the *Federal Register*;¹⁸
- b. Detailed minutes of meetings;¹⁹ and
- c. Meetings that are “open and available to public inspection.”²⁰

If the Trump Administration does not plan to require DOGE activities to meet FACA standards for open meetings, please explain why.

6. How will the Trump Administration require OMB, OPM, and DOGE to incorporate public feedback from a wide range of older adults, veterans, people with disabilities, and the organizations that represent them as OMB, OPM, and DOGE work to develop DOGE’s recommendations for Social Security, Medicare, and veterans’ benefits? If the Trump Administration does not plan to require that feedback, please explain why.

Thank you for your attention to this matter. If you or your staff have questions, please contact Doug Hartman with my Aging Committee staff at 202-224-0185.

Sincerely,



Kirsten Gillibrand
United States Senator
Ranking Member, Special
Committee on Aging

¹⁶ *Id.*

¹⁷ 5 U.S.C. Chapter 10; “Federal Management Regulation: Federal Advisory Committee Management,” General Services Administration, April 18, 2024, (hereinafter “GSA FACA Regulation”), <https://www.regulations.gov/document/GSA-FMR-2022-0015-0010>.

¹⁸ Meghan M. Stuessy and Kathleen E. Marchsteiner, Congressional Research Service, *The Federal Advisory Committee Act (FACA): Overview and Considerations for Congress*, March 26, 2024, at 20, (hereinafter “CRS FACA Report”), <https://crsreports.congress.gov/product/pdf/R/R47984>; *Id.*, GSA FACA Regulation, at § 102-3.150.

¹⁹ *Id.*, CRS FACA Report, at 21; *Id.*, GSA FACA Regulation, at § 102-3.165.

²⁰ *Id.*, CRS FACA Report, at 21; *Id.*, GSA FACA Regulation, at § 102-3.30 and § 102-3.95.