

April 11, 2022

Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

I have the honor to submit to the Congress an amendment and an addition to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 18, 2021; a redline version of the rules with committee notes; an excerpt from the March and September 2021 reports of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and excerpts from the December 2020 and May 2021 reports of the Advisory Committee on Civil Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 11, 2022

Honorable Kamala D. Harris
President, United States Senate
Washington, DC 20510

Dear Madam President:

I have the honor to submit to the Congress an amendment and an addition to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 18, 2021; a redline version of the rules with committee notes; an excerpt from the March and September 2021 reports of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and excerpts from the December 2020 and May 2021 reports of the Advisory Committee on Civil Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 11, 2022

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Civil Procedure are amended to include Supplemental Rules for Social Security Review Actions Under 42 U.S.C. § 405(g) and an amendment to Rule 7.1.

[*See infra* pp. __ __ __.]

2. The foregoing amendment and addition to the Federal Rules of Civil Procedure shall take effect on December 1, 2022, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendment and addition to the Federal Rules of Civil Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

Rule 7.1. Disclosure Statement

(a) Who Must File; Contents.

(1) *Nongovernmental Corporations.* A nongovernmental corporate party or a nongovernmental corporation that seeks to intervene must file a statement that:

(A) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or

(B) states that there is no such corporation.

(2) *Parties or Intervenors in a Diversity Case.*

In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, file a disclosure statement. The

statement must name—and identify the citizenship of—every individual or entity whose citizenship is attributed to that party or intervenor:

- (A) when the action is filed in or removed to federal court, and
- (B) when any later event occurs that could affect the court’s jurisdiction under § 1332(a).

(b) **Time to File; Supplemental Filing.** A party, intervenor, or proposed intervenor must:

- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and

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SUPPLEMENTAL RULES FOR SOCIAL SECURITY
ACTIONS UNDER 42 U.S.C. § 405(g)

**Rule 1. Review of Social Security Decisions Under 42
U.S.C. § 405(g)**

- (a) **Applicability of These Rules.** These rules govern an action under 42 U.S.C. § 405(g) for review on the record of a final decision of the Commissioner of Social Security that presents only an individual claim.
- (b) **Federal Rules of Civil Procedure.** The Federal Rules of Civil Procedure also apply to a proceeding under these rules, except to the extent that they are inconsistent with these rules.

Rule 2. Complaint

- (a) **Commencing Action.** An action for review under these rules is commenced by filing a complaint with the court.
- (b) **Contents.**
- (1) The complaint must:
 - (A) state that the action is brought under § 405(g);
 - (B) identify the final decision to be reviewed, including any identifying designation provided by the Commissioner with the final decision;
 - (C) state the name and the county of residence of the person for whom benefits are claimed;
 - (D) name the person on whose wage record benefits are claimed; and

(E) state the type of benefits claimed.

(2) The complaint may include a short and plain statement of the grounds for relief.

Rule 3. Service

The court must notify the Commissioner of the commencement of the action by transmitting a Notice of Electronic Filing to the appropriate office within the Social Security Administration's Office of General Counsel and to the United States Attorney for the district where the action is filed. If the complaint was not filed electronically, the court must notify the plaintiff of the transmission. The plaintiff need not serve a summons and complaint under Civil Rule 4.

Rule 4. Answer; Motions; Time

- (a) **Serving the Answer.** An answer must be served on the plaintiff within 60 days after notice of the action is given under Rule 3.
- (b) **The Answer.** An answer may be limited to a certified copy of the administrative record, and to any affirmative defenses under Civil Rule 8(c). Civil Rule 8(b) does not apply.
- (c) **Motions Under Civil Rule 12.** A motion under Civil Rule 12 must be made within 60 days after notice of the action is given under Rule 3.
- (d) **Time to Answer After a Motion Under Rule 4(c).** Unless the court sets a different time, serving a motion under Rule 4(c) alters the time to answer as provided by Civil Rule 12(a)(4).

Rule 5. Presenting the Action for Decision

The action is presented for decision by the parties' briefs. A brief must support assertions of fact by citations to particular parts of the record.

Rule 6. Plaintiff's Brief

The plaintiff must file and serve on the Commissioner a brief for the requested relief within 30 days after the answer is filed or 30 days after entry of an order disposing of the last remaining motion filed under Rule 4(c), whichever is later.

Rule 7. Commissioner's Brief

The Commissioner must file a brief and serve it on the plaintiff within 30 days after service of the plaintiff's brief.

Rule 8. Reply Brief

The plaintiff may file a reply brief and serve it on the Commissioner within 14 days after service of the Commissioner's brief.