



May 8, 2025

Frank Bisignano
Commissioner
Social Security Administration
6401 Security Boulevard

Tasha Harley
Acting Reports Clearance Officer
Social Security Administration

Submitted via www.regulations.gov

Re: Agency Information Collection Activities: New Emergency Request No. SSA-2025-0014

Dear Commissioner Bisignano:

This comment is submitted on behalf of Bay Area Legal Aid (BayLegal), the largest provider of free civil legal services in the San Francisco Bay Area. BayLegal's mission is to provide meaningful access to the civil justice system through quality legal assistance regardless of a client's location, language or disability. While BayLegal practices across many legal areas, our disability benefits unit represents hundreds of clients each year from initial application through federal court. Our clients are all very low-income and often burdened with additional hardships, such as homelessness or insecure housing, incarceration, mental illness, foster care involvement, and trauma history. As a result, BayLegal's client population is likely to be most burdened as the Social Security Administration (SSA) raises barriers to accessing its services. On that basis, we offer the following comments on proposed Emergency Request No. SSA-2025-0014, proposing use of a "Security Authentication Pin" (SAP) as a precondition for certain communications with SSA.

I. SSA's proposal effectively ends phone service for some processes and significantly underestimates the burden on claimants.

We are concerned that the new hybrid Security Authentication PIN (SAP) program will impose an unreasonable burden on claimants who need to solicit SSA's services, in particular older adults, homeless individuals, and those suffering mental illness, who face barriers accessing technology and/or face obstacles traveling to a field office because of their age, disability, geography, poverty or other circumstances.



- **8 minutes is an underestimate of how long it will take to respond with an SAP**

SSA estimates it will take an average of 8 minutes for most to learn about the SAP process from a claimant representative when they are trying to do business with SSA over the phone or in person, receive and understand instructions, gather the data and documents needed, answer the questions required and schedule any follow up. Moreover, SSA estimates that the wait time for this interaction will be only 14 minutes. It will be far more time-intensive even for tech-savvy members of the public.

Based on SSA's own current public data, this proposal significantly underestimates the overall wait time to connect with someone at SSA and generate an SAP. As of April 25, 2025, SSA data shows the average call wait time is 1 hour and 30 minutes.¹ Moreover, nearly 1 in 3 callers get a pre-recorded message that the lines are too busy, or have their call disconnected after they have already waited on hold for about 15 minutes.² Some customers ask for a call back and usually wait more than two hours. While waiting for a call back may be more convenient than waiting on the line; for many, the time they are waiting for a call back is still time they are avoiding other tasks and waiting for outreach from SSA.³ BayLegal attorneys and staff call SSA offices every day. It regularly takes three or four phone calls before we can even speak to someone to answer a question because calls are dropped or not answered. Moreover, wait times are regularly more than 14 minutes. It is hard to imagine that implementing the new process will *decrease* the wait time.

Putting aside long hold times, we also believe that SSA's estimate that it will take people 8 minutes to respond with SAP is an underestimate, even for those with mySSA accounts, reliable technology and expertise navigating it. We appreciate that SSA has taken steps to ease the burden of generating these PINS by promising to offer vanity URLs to help customers navigate directly to the Securities Settings page within their mySSA Account. We believe these vanity links may be useful to the small subset of SSA's customer base who both have mySSA accounts and the technical savvy to navigate those accounts, as well as whatever process SSA uses to send that link. Even with those accounts, we believe it is unlikely that 8 minutes is sufficient to communicate these rules, then find tech (phone or computer) to access the vanity URL, follow it, collect the data and respond. The ability to do this requires having access to tech and internet, the ability to receive the link from SSA, the hand dexterity to follow the link, and generate the SAP. As noted below, if SSA implements this policy, we would recommend that SSA engage in user testing to assess the actual impact of this process before it is rolled out.

¹ <https://www.ssa.gov/ssa-performance/800-number-performance>

² <https://www.ssa.gov/ssa-performance/800-number-performance> (AARP letter from 4/7/2025) also notes this and could be cited.

³ <https://www.ssa.gov/ssa-performance/800-number-performance>



- **SAP process will significantly burden claimants without mySSA account and/or low-tech literacy.**

In our experience, it is the claimants who lack access to technology or internet or have low tech literacy that choose to do business with SSA over the phone. Eight minutes is a significant underestimate for all our clients who do not have mySSA accounts, and/or the technical savvy to use them. Only 70 million of SSA's extensive client base has a mySSA account. Of those, there are likely a subset of inactive accounts as well as accounts that may have been created but are not actually navigable by their owners because they do not have access to technology like a computer or cellphone or will struggle to navigate it.

The vast majority of BayLegal's clients do not have a mySSA account and are not reasonably able to create one. Our attorneys have sat with clients attempting to create an account. Frequently they are unable to navigate the "Login.gov" or "ID.me" verification process because they lack a valid form of identification, cannot remember answers to verification questions, cannot name addresses where they might have received mail, or no longer have access to verifying email addresses or cell phone numbers. Other claimants who may have created accounts, perhaps created with help during the pandemic, are not able to use those accounts independently. Often, they have forgotten passwords, or lost access to email accounts or cell phone numbers used to authenticate logins. It is very common for homeless individuals to have cell phones lost, stolen or broken.

SSA contemplates that when a caller lacks a mySSA account, they should create one and call back and estimates the burden associated with this process to be **two minutes**.⁴ For a large subset of SSA customers, this estimate is absurd. While it may only take two minutes for an agent to figure out if someone does not have an account, that is not a complete estimate of the burden this proposal would impose on claimants. If someone is told to create an account and call back, even excluding the time it takes to create an account, this notice does not seem to contemplate it taking any time for that claimant to reconnect with a claims representative. Based on SSA's own data regarding phone service, reconnecting with an SSA agent is likely to take hours, not minutes.

⁴ In SSA's Statement for Emergency Paperwork Reduction Act Approval For: my Social Security–Security Authentication PIN (SAP), OMB No. 0960, SSA explains that while the burden estimate of creating or logging into a my Social Security account is described under another OMB control number, this approval is meant to be "inclusive of the increased burden associated with either (1) generating an SAP through my Social Security to complete the direct deposit transaction over the phone; or (2) traveling to the field office because the respondent is unable to create a my Social Security account or otherwise unable to generate an SAP."



Absent the ability or willingness to use an SAP, this policy requires claimants to undergo identity verification in person. However, going to SSA in person is time-intensive and will take much longer than the 2 minutes this proposal estimates. It may also be virtually impossible for those with mobility issues and/or live far from a Field Office, as detailed below.

- **SSA's requirement for in-person verification for anomalous claims is very burdensome and that burden is not addressed in this notice**

In its Addendum to Support Statement, SSA notes that this SAP policy will not apply to anomalous claims. Instead, any claim flagged as anomalous will be required to go to SSA and verify their identity in person. While we appreciate SSA maintaining an in-person identity verification option, it must be acknowledged that this is a very burdensome process for claimants. It requires making an appointment, which can be very time-consuming, gathering the appropriate documents, and traveling to a Field Office and waiting for service. The Center on Budget and Policy Priorities' analysis shows that more than 6 million people live more than 45 minutes away from a Field Office. Each in-person visit will require more than 90 minutes in just travel time, and much more time when you consider the wait to meet with a representative. This process may be nearly impossible for people with significant mobility limitations or who suffer from mental impairments that affect their ability to go out in public. Further, we have had multiple clients who are under bans that prohibit them from entering SSA buildings. Telling folks to come into the office is not an adequate workaround.

II. SSA should create more pathways to identity verification to minimize the burden on respondents.

SSA acknowledges that the SAP policy eliminates phone-only service for some transactions. Instead, this policy creates a binary to access SSA services for those flagged for identity verification, Pathway (1) is a phone/tech pathway: requiring claimants to have access to and the ability to navigate tech to talk to SSA representatives or Pathway (2) in-person service, which also typically requires the ability to navigate a phone and wait on hold to secure an appointment and travel to an SSA Field Office in person. While we commend SSA for maintaining in-person services, as an option convenient for many, we are concerned about the elimination of phone-only service for individuals subject to the SAP policy. This was an important method of communicating with Social Security, particularly with limited access or ability to use technology and/or with mobility issues.

For SSA to meet the diverse needs of its customer population, including people with disabilities and the elderly, who may struggle both with mobility and with accessing and navigating online tools, we recommend SSA also consider adding additional pathways for



identity verification. NIST guidance recommends that if SSA is implementing new verification processes, SSA should offer as many pathways as feasible to ensure the greatest number of claimants can complete the verification steps.⁵ For example, has SSA considered offering an alternative option for identity verification that does not require the user to have access to and be able to use a computer or smartphone? NIST endorses sending six-digit confirmation codes through the mail for identity authentication, and this process is used in some state employment insurance programs.⁶ There are existing examples of this approach at the federal level, including for identity verification through Login.gov.⁷ Perhaps SSA could consider a similar option, which is low-tech but also does not require in-person appointments, for identity verification.

III. The SAP proposal, as written, is impractical.

BayLegal shares SSA's interest in reducing scams that particularly target vulnerable adults. We believe this SAP proposal is poorly calibrated to meet that goal and is an impractical response to the low level of fraud related to these phone services.

SSA has not made the case that this change is needed. In the Supporting Statement for this policy, SSA's only stated reason is "[t]o mitigate fraud concerns," without any further elaboration. SSA's Acting Commissioner has acknowledged that direct deposit fraud is less than one-hundredth of 1% of SSA's transactions,⁸ reporting SSA "is losing over \$100 million a year in direct deposit fraud," which sounds like a lot but is actually a very tiny percentage of SSA benefit payments. Direct deposit fraud impacts a tiny portion of SSA's beneficiaries—last year, only 2,000 of the millions of people who receive SSA benefits.⁹ The SSA OIG also reports that SSA already thwarts most of this fraud before any inappropriate payments are paid out.¹⁰ Further, Mr. Brown's April 25 "Emergency Justification Letter" itself acknowledges that *less*

⁵ <https://pages.nist.gov/800-63-4/sp800-63a.html>).

⁶ NIST SP 800-63A-4 second public draft, Digital Identity Guidelines: Identity Proofing and Enrollment at 3.1.8 (p. 25)

⁷How to verify your identity. Login.gov (accessed April 29, 2025) <https://www.login.gov/help/verify-your-identity/how-to-verify-your-identity/>.

⁸ Fatima Hussein, *Changes Coming for Social Security payments and direct deposit. What to know.* NBC Los Angeles (March 19, 2025), https://www.nbclosangeles.com/news/national-international/changes-coming-for-social-security-payments-direct-deposit-what-to-know/3659167/?os=fno_journeystrueno_journeys%3Dtrue&ref=app.

⁹ Tara Siegel Bernard, *How Fraudsters Break Into Social Security Accounts and Steal Benefits*, NY Times (March 9, 2025), https://www.nytimes.com/2024/03/09/business/social-security-scams.html?unlocked_article_code=1.C08.WKGY.2jIfceQfmYXM&smid=url-share (approximately 2,000 beneficiaries out of 70 million beneficiaries had their direct deposits redirected last year).

¹⁰ <https://oig-files.ssa.gov/audits/summary/A-01-18-50669Summary.pdf>



than half of direct-deposit fraud is phone based.¹¹ SAP PINs are a large burden on many consumers and an almost insurmountable burden on a few. SSA has not made the case that such a large burden is warranted based on fraud activity that impacts so few, nor that it is even cost-effective, given the tiny percentage the fraud represents and the added time and cost to both employees and the public, especially given the increasing burdened on frontline communications with SSA.

The Federal Register notice contemplates that the SAP PIN process could be applied to initial claims, though it appears SSA may have narrowed its plans to use this process. Requiring claimants to produce a SAP when they are applying for benefits is impractical. Is there any evidence of fraud during these processes? If so, it hasn't been provided. When someone initiates a claim at SSA, it often requires significant interaction between claimants and SSA, many of which include opportunities for SSA to further verify identity because people are reporting employment (which can be cross-referenced with payroll information), medical treatment (which can be cross-referenced with HITT). It is unclear whether asking consumers to provide an SAP PIN will prevent any fraud that would not have already been prevented through the normal course of business, but it will provide significant stress to consumers and delay for those who do not have mySSA accounts and will struggle to go to in-person appointments. Moreover, implicitly pushing more people to apply online, as this change would do, could actually increase fraud, since our understanding is that more fraud occurs online than over the phone or in a face-to-face meeting in a Field Office.

IV. More information is needed to assess the impact of SSA's SAP policy.

The information provided by SSA in support of the SAP policy raises more questions than it answers. Given this fact, the use of the emergency measures process to circumvent the usual careful rollout of new policies is concerning. Among the questions that need to be addressed:

- SSA purports this will be a “powerful fraud prevention tool,” but why?
 - What fraud is SSA trying to prevent? Why has SSA chosen to focus on phone communications when it estimates that only 42% of all direct deposit fraud occurs over the phone? How is the majority of direct deposit fraud conducted? What steps is SSA taking to prevent the larger share of direct deposit fraud?
- How will SSA assess the rollout and evaluate the cost and benefits of this change?

¹¹ “Per SSA’s current data, about 42% of all direct deposit fraud is phone-based.”



- What support will SSA provide to consumers who need help creating or accessing mySSA accounts?
- Would a parent or representative payee be able to use the SAP process if changing banking information for a dependent or claimant?
- How will SSA address individuals who need to do in-person identity verification?
 - Will people needing to verify their identity need an appointment?
 - If an appointment is required, will SSA take steps to minimize the burden on claimants by, for example, instructing claims representatives to schedule appointments for those who need them in the same call as when they discover the need for the appointment due to inability to use the SAP process? If so, will SSA further instruct representatives to ask about any accommodations needed for that in-person appointment at that time?
 - Will identity verification be an exception to the policy requiring appointments?
 - How many individuals will be impacted by the SAP policy?
 - How will SSA handle consumers who *cannot* attend an in person appointment?
- Has SSA assessed whether teleservice centers can handle increased call volume for people seeking to schedule field office appointments for identity verification?
- Has SSA assessed whether Field Offices can handle the increased appointments for identity verification?
- The supporting documents indicate that someone can get a good-cause exemption from the SAP process in “extreme dire-need” situations.¹²
 - What constitutes “extreme dire-need” for SSA purposes and for the purposes of exemption under this proposal?
 - Is SSA planning to promulgate POMS or other adjudicative guidance defining extreme dire need and/or how it relates to a “dire need” circumstance as described in POMS DI 23020.030?
- What is SSA’s policy for identity documents required for the identity verification process in field offices?
 - What elements must be documented and what documentation will be required for verification?

¹² See Emergency PRA Justification Letter at 2.



- Will SSA be issuing regulations or POMS regarding this process?
- If someone is unable to verify their identity through this process, is there an appeals process? If so, what would that entail and who would oversee it?
- SSA's addendum indicates that the SAP process will not be used for claims flagged as anomalous, and claims flagged as anomalous require in-person identity verification.
 - Why is the SAP process insufficient for anomalous claims?
 - If the SAP is insufficient for anomalous claims, what identity verification value does it bring that exceeds the validity of SSA's current process?
- In the Addendum to the Supporting Statement for the Emergency Paperwork Reduction Act, SSA indicates it is "revising the overall use of the SAP to include only direct deposit changes." Does this mean that SAP process would never be used when someone is applying for benefits?
 - Would SSA agree that such revision would mean SSA is prevented from applying the SAP process to other processes without further public notice?
- BayLegal joins other advocates in renewing the request for SSA to study and report on the number of those unable to complete the SAP process over the phone, the reason for it, and how long it took for the process to take place in person. Additionally, SSA should examine the reasons people are unable to create or access a mySSA account and ways that SSA can assist with these problems.

Thank you for the opportunity to provide these comments, which are based on our substantial and ongoing experience advocating for disadvantaged communities with SSA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan P. Widule'.

Susan P. Widule
Senior Staff Attorney

A handwritten signature in black ink, appearing to read 'Joanna H. Parnes'.

Joanna H. Parnes
Managing Attorney