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May 9, 2025

Frank Bisignano
Commissioner
Social Security Administration

Tasha Harley
Acting Reports Clearance Officer
Social Security Administration

Submitted via www.regulations.gov

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

Dear Commissioner Bisignano:

Thank you for the opportunity to address the Emergency Request regarding the Social Security Administration's (SSA's) hybrid identity proofing process called the Security Authentication PIN (SAP). This comment is submitted on behalf the Empire Justice Center and the Urban Justice Center's Mental Health Program.

The Empire Justice Center is a statewide not-for-profit law firm based in New York. Our mission is to protect and strengthen the legal rights of New Yorkers through direct civil representation, training, technical assistance, and public policy work. As part of our mission, we represent numerous low-income individuals with disabilities before SSA under our Disability Advocacy Program (DAP).

The Mental Health Project (MHP) started in 1994 as a foundational project of the Urban Justice Center (UJC) and its mission today is to disrupt and dismantle the cycle of hospitalization, homelessness and incarceration that traps low-income individuals with mental health concerns in New York City. UJC provides a range of services to low-income individuals with mental health concerns, including representation before SSA in appealing the denial of disability benefits.

As statewide Co-coordinators of New York's DAP, Empire Justice and MHP work with advocates throughout the State who provide similar services, in particular advocates who are funded by the State of New York under a DAP grant to represent low-income claimants who have been denied

disability benefits. Each year, the DAP program serves thousands of low-income New Yorkers statewide.

We submit these comments on behalf of the DAP program.

I. SSA's Hybrid Process Essentially Ends Phone Service for Some Processes and This Proposal 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 claimants served by our DAP program, who all have disabilities and have little or no income.

- 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 As advocates, we experience the same extreme delays and are often unable to obtain assistance without intervention from our Regional Public Affairs office. Accordingly, SSA's estimate that the wait time will be 14 minutes is a vast underestimate that is inconsistent with their own data.

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>

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 and who are tech savvy. 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.

- 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 who choose to do business with SSA over the phone. This policy will unduly burden our clients, who contend not only with the limitations of their disabilities, but also with poverty, language and educational limitations, and other circumstances that limit their ability to navigate technology and bureaucracy. At any given time, about 10% of our clients lack access to a telephone, either a mobile or a land line. Low-income individuals often do have a mobile phone, but it is not consistently a smart phone, tablets, or other technology. This is particularly true for homeless clients.

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. In our considerable experience representing claimants, we know that many claimants do not have mySSA accounts. Many of our other claimants who may have the accounts, perhaps created with help during the pandemic, are not able to use those accounts independently. In that circumstance, SSA contemplates asking them to create mySSA accounts and call back. The burden estimate associated with this process is only 2 minutes.

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.”

For people who have limited access to tech or low-tech literacy, we believe it will take them far more than 8 minutes to generate an SAP. If they cannot, SSA estimates that they will face a burden of 2 minutes. What is this for?

While it may only take 2 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. This will likely take hours, not minutes, based on SSA’s own data regarding phone service. Accordingly, this is an underestimate.

Absent the ability or willingness to use an SAP, this policy requires claimants to undergo identity verification in person. We commend SSA for maintaining an in-person option for identity verification. 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. Center on Budget 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 those with significant mobility limitations.

II. SSA Should Create More Pathways to Identity Verification to Minimize the Burden On Respondents.

We appreciate that SSA has provided an opportunity for us to offer recommendations on additional ways 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.⁴ 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.⁵ There are existing examples of this approach at the federal level, including for identity verification through Login.gov.⁶ 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.

We appreciate the opportunity to comment on the practical utility of his proposal and the need for more information. We share SSA's interest in reducing scams that particularly target older adults. We do not believe this SAP proposal is calibrated to meet that goal, or is a practical response to the low level of fraud related to these phone services.

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

⁵ NIST SP 800-63A-4 second public draft, Digital Identity Guidelines: Identity Proofing and Enrollment at 3.1.8 (p. 25)

⁶How to verify your identity. Login.gov (accessed April 29, 2025) <https://www.login.gov/help/verify-your-identity/how-to-verify-your-identity/>.

Why is this needed? In SSA's Supporting Statement for this policy, it only notes "[t]o mitigate fraud concerns" but does not elaborate. SSA's Acting Commissioner has acknowledged that direct deposit fraud is less than one-hundredth of 1% of SSA's transactions⁷ by 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. It also impacts a tiny portion of SSA's beneficiaries—last year, only 2,000 of the millions of people who receive SSA benefits.⁸ The SSA OIG also reports that SSA already thwarts most of this fraud before any inappropriate payments are paid out.⁹ Considering SAP PINs are a large burden on many consumers, it is not clear that such a large burden is warranted related to fraud activity that impacts so few, nor even cost-effective, given the tiny percentage the fraud represents and the added time and cost to both employees and the public.

The Federal Register notice contemplates that the SAP PIN process could be applied to initial claims, even though it appears SSA has narrowed the use of this process. Requiring claimants to produce an 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.

⁷ 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.

⁸ 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.2jlfceQfmYXM&smid=url-share (approximately 2,000 beneficiaries out of 70 million beneficiaries had their direct deposits redirected last year).

⁹ <https://oig-files.ssa.gov/audits/summary/A-01-18-50669Summary.pdf>

IV. More Information is Needed to Assess the Impact of SSA's SAP Policy.

- SSA purports this will be a “powerful fraud prevention tool,” but why?
 - What fraud is SSA trying to prevent?
 - SSA estimates that 42% of all direct deposit fraud occurs over the phone.
 - How is the majority of direct deposit fraud conducted, and 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?
- 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?
- 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.¹⁰

¹⁰ See Emergency PRA Justification Letter at 2.

- 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?
 - 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?
- We renew our 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.

Thank you for considering these comments,

Sincerely,

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