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May 9, 2025

Re: Comment on Social Security Information Collection Proposal, 90 Fed. Reg. 16583 (April 18, 2025), Maryland Legal Aid, Docket ID Number [SSA-2025-0014]

Frank Bisignano, Commissioner
Social Security Administration
Tasha Harley
Acting Reports Clearance Officer
Social Security Administration

Dear Commissioner Bisignano, Ms. Harley *et al*:

Maryland Legal Aid (MLA) appreciates the opportunity to comment on the proposed emergency information collection proposal. MLA is a statewide, private, non-profit law firm that provides free civil legal services to low-income Maryland residents. In our twelve offices across Maryland, we help individuals and families with a wide array of civil legal issues, including Social Security matters. MLA has robust Social Security practices, and represents thousands of Marylanders every year, who rely on Social Security as their only income.

In Social Security Information Collection Proposal, 90 Fed. Reg. 16583 (April 18, 2025), the Social Security Administration (SSA) asks the Office of Management and Budget (OMB) to approve a new “information collection package.” No proposed rulemaking language is included.

SSA intends to increase the level of identity proofing needed for customers to make payment method changes during phone interactions. The agency asserts the changes are needed to limit the accessibility of the telephone as a service channel for claims, and will require identity proofing on, at a minimum, post-entitlement/post-eligibility direct deposit changes, and any claims for benefits that SSA flags as “anomalous.”¹ SSA has developed a hybrid identity proofing process called the Security Authentication PIN (SAP) that will provide identity-proofing parity with a mandatory online modality, as well as an in-person verification. The agency will require applicants and recipients to establish an online account to perform certain business functions. In the event that a person is unable to establish an online account, they will be instructed to go in-person to a physical Social Security Office. MLA’s client population will frequently be unable to comply with this new process and will be deprived of benefits to which they are entitled, without due process of law.

¹ No definition is provided for the term “anomalous,” or any process by which SSA staff utilize to arrive at this conclusion. Agency determination of anomalousness is, therefore, randomized, subjective, limitless, arbitrary, capricious and lacking any form of substantive or procedural due process review.

Additionally, the recently announced process is an untenable practice for the general public, and even for the agency to perform or maintain, as set out below.

MLA strongly opposes the information collection proposal and asserts that it is an unlawful attempt to create a new process without engaging in formal rulemaking as required by the federal Administrative Procedure Act (APA).²

I. Summary of the proposed regulation:

To summarize, the process would require SSA recipients to obtain two-way verification for a) direct deposit changes, b) new applications flagged as anomalous, and c) post-entitlement issues. The latter would include overpayments assessed against recipients. In the announcement, SSA asserts that this new mandatory electronic verification process will not apply to Title II Disability applicants.³ This means that the agency anticipates application to all individuals who apply for retirement, survivor's, and death benefits, and to all other recipients excluding Title II, if SSA marks their applications as anomalous. The proposal remains silent on the impact on Title XVI/SSI applications. At present, Title XVI applicants apply chiefly over the phone or by mail-in. The likelihood exists that SSI applicants might also have their applications marked for any reason as anomalous, necessitating SAP identity verification, and becoming subject to this new process.

In the proposed two-way verification system, if the recipient/caller speaks with an SSA representative by telephone, but does not have a "mySSA.gov" account, they will be asked to go online and to create one. While on the telephone, or thereafter, the SSA employee will require the recipient/applicant to retrieve an individualized identification number (PIN). The application for Social Security Benefits, direct deposit information change, or caller's question can only proceed if the caller provides the Security Authorization PIN from the internet. SSA also proposes to use this process before discussing any "[anomalous](#)" pending applications and post-entitlement issues by phone.

Those without a mySSA.gov account must create one to apply for benefits, change direct deposit information, call to challenge overpayments, or perform any act if a SSA has flagged their account as anomalous. Alternatively, identity verification can be done in person at local SSA offices, but will also include the 2nd step electronic process.

II. MLA strongly opposes the information collection proposal.

A. SSA Recipients Have Limited Access to the Internet and/or an Inability to Establish an Online Account:

Online identity confirmation via internet-based record challenges seems to be a simple process for individuals with long-term financial stability, but proves onerous for disabled and/or low income adults. We see that, too often, our clients simply cannot create a mySSA.gov account. The digital divide profoundly and disproportionately impacts disabled and elderly persons.⁴ All persons that receive SSA retirement funds are older adults, or are receiving benefits on an older adult's Social

² 5 USC § 553 (2023). See also: <https://uploads.federalregister.gov/uploads/2013/09/The-Rulemaking-Process.pdf>.

³ 42 USC 401 *et seq* (2025).

⁴ <https://www.boia.org/blog/why-americans-with-disabilities-use-the-internet-less-frequently>.

Security earnings record. Large proportions of Americans over the age of 65 remain offline.⁵ As many as one in four Americans are living with a disability.⁶ Disabled persons are less likely to own a computer or a smart phone.⁷ Even if they can access the internet, disabled persons are more likely to encounter barriers to internet access due to website accessibility issues, physical impairment, vision and/or color vision deficiency.⁸ In 2021 86% of websites had improper color contrast and were not visible to persons with vision impairment.⁹ In 2025, more than 75% of 1 million sampled websites had insufficient color contrast for visually impaired persons to be able to view and access.¹⁰

Those living in poverty also face challenges in creating accounts due to difficulties with online account verification procedures. These procedures require our clients to document their identity by successful completion of address and telephone number challenges.

Low-income individuals commonly face eviction as a result of job loss or other financial challenges. This cycle of poverty can result in frequent address changes. We frequently see that older adults have difficulty accurately remembering all the addresses of each home in which they have resided over the decades of their poverty. Frequent address changes also correlate with incorrect information being identified by government search engines. If an address is off by even a digit, then this results in verification inaccuracy. Many of our clients have no cellphone account of their own. Instead, they rely upon government-issued phone numbers which do not reliably show-up in identity search engines challenges, which complicate identity verification.

B. Inability to Gain Access to Social Security Offices.

The process fails to accommodate residents of Nursing Homes and Assisted Living Facilities. Nursing Home and Assisted Living Residents are, by definition disabled. They rely on Social Security Benefits for their income.¹¹ In the event their account is tagged as “anomalous,” or if their banking information requires revision, they will be subjected to the proposed new process. The new change makes no accommodation or exception for individuals that fall within its purview, but who cannot physically go onto a SSA Office. This is why so many of Nursing Home and Assisted Living Residents are dependent on SSA telephone access. This population will definitely face interruption of Social Security and Medicare benefits without due process. Consequently, it is violative of Section 504 of the Rehabilitation Act of 1973, and/or the Americans With Disabilities Act.¹²

⁵ https://agingconnected.org/wp-content/uploads/2021/05/Aging-Connected_Exposing-the-Hidden-Connectivity-Crisis-for-Older-Adults.pdf; <https://ctu.ieee.org/blog/2023/02/09/the-elderly-digital-divide-age-is-just-a-number-and-so-is-your-smartphone-password/>.

⁶ <https://www.boia.org/blog/why-americans-with-disabilities-use-the-internet-less-frequently>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* <https://www.boia.org/blog/why-americans-with-disabilities-use-the-internet-less-frequently>.

¹⁰ *Id.*

¹¹ <https://www.nirsonline.org/2020/01/new-report-40-of-older-americans-rely-solely-on-social-security-for-retirement-income/#:~:text=A%20plurality%20of%20older%20Americans,as%20from%20defined%20contribution%20plans;>

<https://www.nasi.org/learn/social-security/the-role-of-benefits-in-income-and-poverty-2/#:~:text=About%209%20percent%20of%20Americans,seniors%20and%201%20million%20children;>

<https://www.payingforseniorcare.com/social-security>.

¹² 29 U.S.C. § 794;

<https://www.dor.ca.gov/Home/RehabilitationAct#:~:text=Section%20504%20states%20that%20%22no,or%20the%20United%20States%20Postal>

Even those clients who do not find themselves limited to either nursing facilities or similar domiciles, make increasingly complaints that they must wait online for lengthy periods when they call to request an appointment through SSA's 800 number; frequently, after being on hold on the telephone, a recording comes on which indicates that SSA has no representatives available.

Currently, when our clients go in person to the local office directly to request an appointment, they are turned away due to lack of an appointment. Even after a lengthy wait, the SSA representative has discretion whether to schedule an appointment.

SSA policy disfavors walk-ins and the representative has the power to determine that the client's inquiry proves unworthy of a future appointment. This breakdown in the availability of in-service appointments interferes with the current nationwide SSA push to default to an appointment-only system for most inquiries.¹³ Appointments for in-person Social Security access, however, are increasingly difficult or impossible to obtain.¹⁴

The back-up, in-person process for identity verification proposed by this new process needs much more careful review in order to ensure access to all recipients. Before implementing any changes, SSA needs to ensure robust in-person support, with sufficient staffing of local Social Security Offices, enhanced efficient appointment processes for discussing direct deposit changes, application issues, and post-entitlement concerns.

C. Medicare Beneficiaries May Be Equally Disrupted By This New Process.

Although the Center for Medicare and Medicaid Services (CMS) administers Medicare, SSA administers Medicare Part A and Part B enrollment.¹⁵ Calls into SSA for applications for Medicare, questions about Medicare enrollment are likely to be subjected to the new process. All of these comments that raise concerns about older and/or disabled adults apply equally to the Medicare enrollee population.

D. Many Social Security recipients live in poverty and lack reliable internet access.

Over one in six people in poverty have no Internet access; 18 percent of those below the poverty line lack access.¹⁶ Many also rely on government-issued phones, which are vulnerable to cyberattacks due to infrequent security updates.¹⁷ Public computers at libraries, used to supplement phone access, further expose personal data. The proposed changes would increase identity theft risks as sensitive information is at greater risk on these devices.

¹³ [Appointments Growing \(and Lines Shrinking\) for Social Security Cards and Other Services | SSA](https://blog.ssa.gov/appointments-growing-and-lines-shrinking-for-social-security-cards-and-other-services/#~.text=Last%20Updated:%20April%2018%2C%202025,are%20now%20made%20by%20appointment), <https://blog.ssa.gov/appointments-growing-and-lines-shrinking-for-social-security-cards-and-other-services/#~.text=Last%20Updated:%20April%2018%2C%202025,are%20now%20made%20by%20appointment>.

¹⁴ <https://www.usatoday.com/story/news/politics/2025/05/06/social-security-wait-times-longer/83385829007/>.

¹⁵ <https://www.ssa.gov/pubs/EN-05-10043.pdf>.

¹⁶ [People in Low-Income Households Have Less Access to Internet Services](https://aspe.hhs.gov/sites/default/files/private/pdf/263601/Internet_Access_Among_Low_Income.pdf), https://aspe.hhs.gov/sites/default/files/private/pdf/263601/Internet_Access_Among_Low_Income.pdf

¹⁷ [Understanding the Safety of Government Phones: Are They Truly Secure? - SoftHandTech](https://softhandtech.com/are-government-phones-safe/), <https://softhandtech.com/are-government-phones-safe/>

E. Additional Considerations:

The U.S. disabled population is not only comprised of people with physical disabilities. Many SSA recipients are disabled due to diagnosed cognitive disabilities or mental impairments.

SSA issues bans against many of our clients from entering SSA offices, nationwide.¹⁸ This new process will effectively deny any SSA access to many of our clients. The proposed process has no procedural due process protection for banned individuals who, because of poverty, are not able to establish an online account. Section 504 and the ADA require that alternative communication methods be provided. In the proposed procedure, these older adults and disabled persons would lack access to the agency.

F. Rule-making procedures need to be followed before enacting such a sweeping proposal. The new procedure lacks due process of law and violates the Administrative Procedure Act (APA).

The agency is attempting to impose this sweeping proposal without engaging in the formal rule-making process. The identity proofing will surely inhibit future recipients' ability to have applications processed. This will prevent applications from being completed and prevent Social Security from issuing initial determinations regarding eligibility.¹⁹ Any proposal which serves to prevent Social Security from reliably processing applications as required by law would need to be reviewed in accord with the protections guaranteed under the APA. No exceptions have been requested or summarized in the announcement/publication in the Federal Register.

Existing recipients who lack internet access and ability to appear in-person at a SSA Office will become dis-enrolled without due process.

Recipients with post-entitlement issues such as overpayments, would face termination of benefits for lack of an electronic account – without benefit of due process. This is also violative of the APA.

Likewise, the proposal remains silent regarding how Title XVI, SSI applicants would fit into this new identity verification process. Were this process expanded to impact Title XVI applications for SSI benefits, then this, too, would prove a violation of due process and the APA. Medicare applications can and will be disrupted, also without review or due process.

III. Conclusion

Due to the foregoing, we urge SSA not to implement these changes or at a minimum, to engage in public rulemaking instead of this summarily unlawful proposal.

¹⁸ 20 CFR § 422.904.

¹⁹ 20 CFR 404.904; 20 CFR §416.203.