

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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April 16, 2025

Mr. Leland Dudek
Acting Commissioner
Social Security Administration
1300 D Street, SW
Washington, DC 20254

Dear Acting Commissioner Dudek,

I write with grave concern regarding your legally dubious decision to further interrupt critical services at the Social Security Administration (SSA) by making it more difficult for many people to receive Social Security Numbers (SSN). Public reporting and documentation received by the Committee show that on March 19, 2025, SSA paused significant portions of its Enumeration-Beyond-Entry (EBE) program, despite internal concerns that doing so is potentially illegal, will cause confusion and delays, and will cost SSA significantly more money. SSA uses EBE to issue Social Security numbers and cards to non-citizens as part of the process through which a person may apply for and receive work authorization from U.S. Citizenship and Immigration Services (USCIS), instead of requiring those individuals to submit—and SSA having to process—a separate application for a Social Security number and card.¹ I have previously written to you about my concerns that SSA is creating chaos and delays by forcing more people to go in person to SSA field offices at the same time as you are firing large numbers of SSA staff. Forcing SSA to process tens of thousands of additional applications for SSN and cards only compounds this crisis, and given these concerns and its potential illegality, I urge you to immediately reinstate the full EBE program and I request information on your decision to pause portions of the program and the impact it has had.

Created in 2017 under the first Trump Administration, the EBE program is an agreement between SSA and USCIS that allows for the automatic issuance of SSNs and cards to newly naturalized U.S. citizens and non-citizens granted work authorization.² According to a 2019 Social Security Administration Inspector General Audit report, the EBE program “ensures the

¹ *RM 10205.700 Enumeration-Beyond-Entry (EBE)*, Social Security Administration (Feb. 2, 2025) (online at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110205700>).

² Statement of Nancy A. Berryhill, Acting Commissioner, Social Security Administration (May 17, 2018) (online at <https://waysandmeans.house.gov/wp-content/uploads/2018/05/20180517SS-Testimony-Berryhill-.pdf>).

integrity of, and streamlines the Social Security Administration's enumeration process."³ Every year, EBE allows millions of people whose Employment Authorization Documents (EAD) have been approved by USCIS to receive their legally issued Social Security cards in the mail without having to complete a separate, additional application with SSA.⁴ The EBE program also allows for newly naturalized citizens to process name changes and update citizenship status without having to visit a Social Security office.⁵

On March 19, 2025, SSA reportedly "paused" the EBE program.⁶ According to a memorandum obtained by the Committee dated March 24, 2025, you personally approved this pause despite the fact that that same memorandum outlined multiple legal concerns and warnings about the serious consequences of such a pause.⁷ The March 24, 2025, memorandum describes multiple legal concerns with enacting a partial pause of EBE, including non-compliance with the Social Security Act, acting arbitrarily in violation of the Administrative Procedure Act, and violating the Enumeration Beyond Entry Memorandum of Understanding with the Department of Homeland Security and USCIS. Despite these substantive explanations of the legal risks, you approved a 90-day pause to substantial portions of the EBE program.

The same memorandum also warned of the consequences the 90-day pause will have for individuals relying on EBE, in an operational assessment that explained how "[p]ausing EBE will cause customer confusion, additional field office traffic, and potentially increase the risk of issuing multiple SSNs to the same person." Despite these warnings, you still approved of the pause. Reporting indicates that such a pause in the EBE program sends an estimated 60,000 to 75,000 additional people to SSA field offices per week at a time when the SSA has cut 12% of its workforce and shut down field offices across the country.⁸

Finally, the March 24, 2025, memorandum warned that pausing EBE will increase costs to SSA, explaining that "[t]he FY2024 cost to issue a card through EBE is \$8.00 versus \$55.80 in a field office." Your approval of these additional expenses is confusing, given the March 3, 2025, press release wherein you stated, "The Social Security Administration (SSA) continues to make good on President Trump's promise to protect American taxpayers from unnecessary spending while continuing to ensure it delivers on its mission." Given your enthusiasm for cost savings, it is confounding that you approved of SSA spending six times more taxpayer funds every time a person affected by the 90-day EBE pause is forced to obtain their Social Security card in person.

³ Social Security Administration, Office of Inspector General, *Multiple Social Security Numbers Assigned to Non-citizens Using the Enumeration Beyond Entry Program* (Dec. 17, 2019) (online at <https://oig-files.ssa.gov/audits/full/A-08-18-50472.pdf>).

⁴ *EXCLUSIVE: Secret policy Shift Could Overwhelm Social Security Offices with Millions of People*, Popular Information (Mar. 20, 2025) (online at <https://popular.info/p/exclusive-secret-policy-shift-could>).

⁵ *Id.*

⁶ *Id.*

⁷ March 25, 2025, Memorandum on file with House Oversight and Government Reform Committee Democratic Staff.

⁸ *EXCLUSIVE: Secret Policy Shift Could Overwhelm Social Security Offices with Millions of People*, Popular Information (Mar 20, 2025) (online at <https://popular.info/p/exclusive-secret-policy-shift-could>).

Notably, SSA issued this pause without notifying the public or issuing any guidance related to the decision. There is no explanation for this new policy on the Social Security website. New and recent applicants who have applied for work authorization or become naturalized citizens and met all the corresponding legal requirements may simply never receive their SSN and card. An SSN is often necessary for everyday life; for example, in addition to needing an SSN for employment and to pay taxes, an SSN may be required to open a bank account or obtain a driver's license.⁹

Your role in destroying SSA under the guise of cost savings and fraud prevention is nothing more than another loosely coordinated attack on our democracy led by the Trump Administration and the Department of Government Efficiency (DOGE). I can discern no legitimate reason for stopping the EBE program—it will only serve to make the Social Security system less efficient, less secure, and more expensive. However, the EBE pause does align with longstanding Republican efforts to reduce Social Security benefits, as well as your track record of abusing your power to target the President's perceived enemies. President Trump, Vice President Vance, and Elon Musk have relentlessly repeated falsehoods about the Social Security program that benefits approximately 70 million people, and Trump Administration officials have made their hatred for legal immigrants painfully clear.¹⁰ Ongoing attacks on immigrants and attempts to make it harder for them to participate in civic life do nothing but interfere with SSA's ability to effectively fulfill its obligations for all beneficiaries.

In short, pausing significant portions of the EBE program: 1) harms American citizens and legal residents for no discernible reason except that they are members of immigrant communities already being unfairly targeted by the Trump Administration; 2) threatens to cause additional delays in services to approximately 70 million Americans who rely on Social Security benefits; 3) strains the Social Security Administration's workforce; 4) and results in additional government spending. This is a gross display of your failure to prioritize your duty to American taxpayers and the millions of people your agency serves every day.

I urge you to immediately reinstate the EBE program as it existed prior to March 19, 2025. I also request the following documents and information by April 30, 2025:

1. All documents and communications regarding the March 19, 2025, decision to immediately pause large portions of the EBE program, including but not limited to any communications with SSA staff, any individual associated with the Executive Office of the President, any individual associated with DOGE, or any journalist or media outlet via email or memorandum;

⁹ Investopedia, *What Is An SSN? What To Know About Social Security Numbers* (Sept. 2, 2024) (online at <https://www.investopedia.com/terms/s/ssn.asp>).

¹⁰ See e.g., *Tens of Millions of Dead People Aren't Getting Social Security Checks, Despite Trump and Musk Claims*, AP (Feb. 19, 2025) (online at <https://apnews.com/article/social-security-payments-deceased-false-claims-doge-ed2885f5769f368853ac3615b4852cf7>); The Conversation, *"Aliens" and "Animals" – Language of Hate Used by Trump and Others Can Be Part of a Violent Design* (Jan. 29, 2025) (online at <https://theconversation.com/aliens-and-animals-language-of-hate-used-by-trump-and-others-can-be-part-of-a-violent-design-245524>).

2. All documents and communications regarding the March 24, 2025, memorandum titled "Pausing certain Enumeration Beyond Entry (EBE) transactions for 90 days," including prior drafts and communications regarding adoption and approval of the policy;
3. All communications with the Department of Homeland Security or USCIS since January 20, 2025, regarding any memorandum of understanding related to EBE; and
4. All documents and communications, including but not limited to risk assessments, cost benefit analyses, and implementation plans, purporting to analyze or justify the 90-day EBE pause.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact the Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,



Gerald E. Connolly
Ranking Member

cc: The Honorable James Comer, Chairman