

United States Senate

WASHINGTON, DC 20510

April 30, 2025

Michelle L. Anderson
Assistant Inspector General for Audit
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Ms. Anderson:

We write today to request an investigation by the Social Security Administration Office of the Inspector General (SSA OIG) into reports that the Social Security Administration (SSA) is taking steps to place certain categories of immigrants who have lawfully obtained social security numbers (SSNs) in its Death Master File (DMF).¹ This decision will result in the “financial murder” of living individuals improperly placed in the file, with everything from their credit cards and banking to their ability to access healthcare and housing being ripped out from under them. It is also a flagrant violation of due process rights enshrined in the U.S. Constitution, which protect citizens and noncitizens alike. We are alarmed that the Trump Administration appears to be trammeling the Constitution in a shameful attempt to purge immigrants from American public life.

As you know, the DMF is a record maintained by SSA of all deceased persons who had an SSN during their lifetimes. To date, the dataset contains records of more than 141 million people whose deaths were reported to SSA and contains each individual’s name, SSN, date of birth, and date of death. As SSA has noted repeatedly—and as recently as two weeks ago²—the value of the DMF “lies in its accuracy and reliability.” SSA does not submit death records to the DMF without running each record through a rigorous verification process. SSA vets each death record—including those submitted by state agencies—through its Death Information Processing System before adding the death record to the DMF, and rejects death reports that do not pass its verification checks.

This vetting process is rigorous because the results of erroneous placement in the DMF are catastrophic, as illustrated by recent news reports.³ If living number-holders are improperly transferred to the DMF, they lose their ability to legally work in the United States, as well as

1 Alexandra Berzon, Hamed Aleaziz, Nicholas Nehamas, Ryan Mac and Tara Siegel Bernard, *Social Security Lists Thousands of Migrants as Dead to Prompt Them to ‘Self-Deport’*, New York Times, Apr. 10, 2025, <https://www.nytimes.com/2025/04/10/us/politics/migrants-deport-social-security-doge.html>.

2 SSA, Social Security Provides Update about its Death Record, Mar. 17, 2025, <https://blog.ssa.gov/social-security-provides-update-about-its-death-record/>.

3 Spencer Humphrey, *Oklahoma City man says social security benefits terminated without warning or explanation*, KFOR, Mar. 13, 2025, <https://kfor.com/news/local/oklahoma-city-man-says-social-security-benefits-terminated-without-warning-or-explanation/>; *Here’s a ‘dead’ person on Social Security in Seattle, with plenty to say*, Seattle Times, <https://www.seattletimes.com/seattle-news/politics/heres-a-dead-person-on-social-security-in-seattle-with-plenty-to-say/>.

access to their Social Security benefits, healthcare, banking and credit cards, and access to virtually every other exchange with a third-party that is verified by a valid SSN. The result is, as former SSA Commissioner Martin O'Malley put it, "tantamount to financial murder." Even when improper placement in the DMF arises from administrative error, the mistake is painfully difficult to remedy. But this purge of immigrants without diligence or due process is no mistake, and neither will be the catastrophic fallout in the lives of hundreds of thousands— it is this administration's express purpose. This move promises to upend the lives of people in this country with little chance of recourse and implicates numerous federal laws.

Numerous federal laws are implicated by this action, as well as bedrock constitutional rights. The Constitution prohibits the government from depriving any person, U.S. citizen and noncitizen alike, of their life, liberty, or property without due process. Under this requirement, the government must establish fair procedures that involve notice and an opportunity to be heard when it seeks to terminate a person's claim to property. The Supreme Court has recognized property interests in tangible and intangible property, including public benefits such as Social Security. The termination of a person's association with their SSN, as well as the resulting loss of tangible and intangible property, require full due process considerations. Additionally, the Privacy Act and SSA regulations require that living U.S. citizens' and Lawful Permanent Residents' information receive privacy protections against unauthorized disclosures. Because individuals are required to provide SSA with private personal information, all personal information stored in SSA systems is afforded protections exceeding the Privacy Act's protections.⁴ Because information transferred to the DMF is not treated with the same privacy protections under both the Privacy Act and SSA regulation, the removal of living persons, some of whom may be naturalized U.S. citizens or Lawful Permanent Residents, risks serious privacy violations.

In addition to these blatant rights violations, the action may violate federal law prohibiting the falsification of government documents.⁵ This prohibition has been applied to guard the integrity of government functions against misuse, and provides that employees of a U.S. agency or department are prohibited from knowingly and willfully falsifying agency records.⁶ Per SSA regulation, transfer of an SSN in the DMF may only occur in the case of the individual's actual death and generally requires evidence to substantiate it.⁷ As you know, the DMF—and more broadly, SSNs—are used by federal agencies, state governments, financial institutions, insurance companies, and dozens of other private sector industries for identification. By knowingly transferring the SSNs of living number-holders to the DMF, SSA employees effectuating the initiative may be liable for the deliberate falsification of federal records.

It is dangerous and shameful, and likely illegal, to alter government records held by SSA in order to "encourage [immigrants] to self-deport."⁸ This plan not only threatens the ability of immigrants who have lawfully obtained SSNs to live and work in the United States, but all Americans who may one day find themselves the target of this administration as it expands its

4 20 C.F.R. 401.105

5 8 U.S.C. § 1001.

6 DOJ, Criminal Resource Manual, 500-999, <https://www.justice.gov/archives/jm/criminal-resource-manual-904-purpose-statute>.

7 20 C.F.R. 404.720

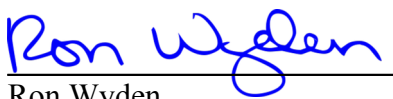
assault on all people and institutions standing in its way. It threatens the financial stability of targeted individuals and Americans who may be purged in error, the stability of all third parties who rely on SSN verification to conduct business, and the accuracy and reliability of SSA records. In light of these far-reaching implications, we are requesting a full investigation by SSA OIG which includes, but is not limited to, addressing the following questions:


1. Describe the determination process for transferring each individual living number-holder to the DMF under this new initiative.
 - a. How will each number holder's status be vetted and verified?
 - b. What third-party entities, such as states and other federal agencies, will SSA cross-reference to confirm its determination?
2. Who has the ultimate decision authority to transfer a living individual's SSN to the DMF?
 - a. Will SSA or an external agency be responsible for the final decision?
 - b. Which subcomponent at SSA will be responsible for producing recommendations to transfer individual SSNs to the DMF?
 - c. Which officer(s) at SSA will have the final decision authority to verify the subcomponent's recommendation?
3. What evidence does SSA require in the process of vetting a number holder for transfer to the DMF?
 - a. What is the standard by which SSA must be satisfied that relevant information proves an individual falls into a transferrable category?
4. What due process concerns is SSA considering?
 - a. Are individuals to be notified prior to removal to the DMF? If so, how are they notified?
 - b. Will individuals be given an opportunity to challenge SSA's determination prior to a final decision to transfer their information to the DMF?
 - c. Following an SSN being transferred to the DMF, will the individual previously associated with that SSN have the right to appeal the action?
 - i. If so, will this appeals process be handled judicially or administratively?
5. What is SSA's stated purpose of transferring living number-holders to the DMF without a determination that the number-holder has died? Under what statute, regulation, and sub-regulation provides SSA such authority?
6. What privacy considerations is SSA making regarding the information of living persons placed on the DMF?


⁸ Alexandra Berzon, Hamed Aleaziz, Nicholas Nehamas, Ryan Mac and Tara Siegel Bernard, *Social Security Lists Thousands of Migrants as Dead to Prompt Them to 'Self-Deport'*, New York Times, Apr. 10, 2025, <https://www.nytimes.com/2025/04/10/us/politics/migrants-deport-social-security-doge.html>.

- a. How will SSA ensure the Privacy Act's protections for living citizens and lawful permanent residents are upheld?
 - b. How will SSA ensure SSA privacy regulations protecting the information of living citizens and lawful permanent residents are upheld?
7. What role do outside federal agencies, such as the Department of Homeland Security, play in carrying out the effort to place living number-holders in the DMF?
 - a. Was this effort established to achieve any outside agency ends?
8. Does SSA use appropriated funds through its Limitation on Administrative Expenses budget to administer this initiative? If so, are activities associated with this initiative reimbursed?
9. Please provide a copy of the Interagency agreement facilitating SSA's involvement in this initiative with DHS.
10. Please provide a copy of the Computer Matching Agreement between SSA and DHS entered into to facilitate this initiative.
11. Reporting indicates that SSA will be changing the name of the DMF to the "Ineligible Master File." Has this change already occurred?
 - a. How has this change been communicated to third parties that make use of the DMF?
 - b. In accordance with this new name and purpose, what information does SSA list for each entry of a living number-holder in the DMF?

Sincerely,


Ron Wyden
United States Senator
Ranking Member, Committee
on Finance


Peter Welch
United States Senator


Mazie K. Hirono
United States Senator



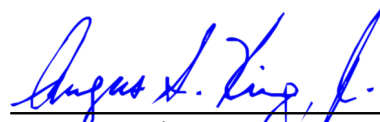
Tammy Duckworth
United States Senator



Catherine Cortez Masto
United States Senator



Bernard Sanders
United States Senator



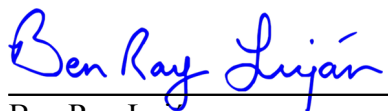
Angus S. King, Jr.
United States Senator



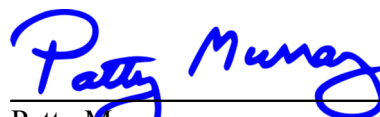
Elizabeth Warren
United States Senator



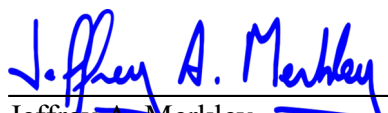
Cory A. Booker
United States Senator



Ben Ray Lujan
United States Senator



Patty Murray
United States Senator



Jeffrey A. Merkley
United States Senator