Social Security Administration (SSA)

Equity Action Plan in Agreement with EO 13985

February 10, 2022

Social Security's Equity Action Plan in Agreement with EO 13985

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Executive Summary

Social Security is the nation's largest federal program, serving as an insurance program and safety net for millions of people. Our vision is to provide income security for the diverse populations we serve, including those in underserved communities,[1] people with disabilities, workers, and their families. Our intent is to serve all who are eligible for our programs. However, the design of our administrative system can pose barriers to people who have few resources and may need our programs the most. To reduce barriers in our administrative system, we will increase collection of race and ethnicity data to determine whether our programs are equitably serving our applicants and beneficiaries, revise our policies and practices to expand options for service delivery, ensure equitable access to unrepresented claimants in the disability application process, decrease burdens for people who identify as gender diverse or transgender in the Social Security Number card application process, and increase access to our research grant programs for Historically Black Colleges and Universities and Minority Serving Institutions and procurement opportunities for small and disadvantaged businesses.

Since 1987, there has been a huge decline in race and ethnicity data in our records. This makes it more difficult for us to monitor the fair treatment of people of color in our programs. To determine whether administrative barriers disproportionately affect some groups more than others, we will increase the collection of the race and ethnicity of the people participating in our programs.

The process of applying for our programs and services was initially designed to be carried out primarily in-person due to the difficulty and length of the Supplemental Security Income (SSI) program application. Although we have more than 1,200 field offices across the country, people in rural areas and on Native American reservations may not have a field office nearby or may have limited transportation options to travel to a field office that is far away. Further, people who work in jobs that do not provide paid leave may lose earnings if they take time off to come to a field office. People of color and women are disproportionately likely to hold jobs that do not provide benefits such as paid leave. This adds a greater barrier to accessing our programs. To improve access to our programs and services, we are reducing the need for in-person visits through simplified, online applications and expansion of online and telephone services.

Claimants applying for Disability (DI) or SSI Disability must obtain and submit many documents, including medical evidence. Some claimants get attorney or non-attorney representatives to assist with this process. However, representatives' fees are based on awarded

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[1] Executive Order No. 13985, 86 FR 7009 (January 20, 2021). Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The Executive Order defines the term "underserved communities" as populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

back benefits. This is a disincentive for representing SSI Disability applicants in favor of DI applicants, whose benefits are typically higher. There is evidence that although African American people are more likely to have a disability[2], they are less likely to be approved for disability benefits than White people.[3] Considering this, we will assess whether African American claimants are less likely to have a representative than White claimants, research whether claimants who have representatives are more likely to receive disability benefits, reach out to claimants who do not have representatives to prepare them for their disability hearings and inform them of their right to representation, and work with professional associations of representatives to create incentives to increase their representation of disability program applicants.

An additional administrative challenge is that our forms (e.g., Application for a Social Security Card) provide for a sex designation to identify only as either male or female. This can pose burdens for people who identify as gender-diverse or transgender.[4] We also require people to provide legal or medical documentation to change their sex designation on our records. To reduce these administrative burdens, we will explore self-attestation to change a person's sex designation on our records without requiring legal or medical documentation.

Finally, the share and dollar amount of research contracts and grants that go to Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs)[5] is disproportionately low. We plan to expand our engagement with these institutions and increase opportunities to support research aligned with our DI and SSI programs and the diverse populations we serve. We also want to strengthen our ties and promote our contracting opportunities to small and disadvantaged businesses, which include woman-owned small businesses, service-disabled veteran-owned businesses, and small business contractors in Historically Underutilized Business (HUB) Zones.

We will hold ourselves accountable by reporting our progress to Congress, the Executive Office of the President, and external stakeholders advocating for the diverse populations we serve.

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[2] Goodman, N. et al., National Disability Institute, *Financial Inequality: Disability, Race, and Poverty in America* (2019). Accessed on February 10, 2022 from https://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf.

[3] U.S. Government Accountability Office, GAO-HRD-92-56, *Social Security: Racial Difference in Disability Decisions Warrants Further Investigation* (1992).

[4] **Gender diverse**: This term is an umbrella term used to describe gender identities that demonstrate a diversity of expression beyond the binary framework of male or female e.g., non-binary, intersex, gender non-confirming persons, genderqueer, or X gender. Accessed on February 10, 2022 from https://genderrights.org.au/information-hub/what-is-gender-diversity/
Transgender: People with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth but who identifies as female is a transgender woman. Likewise, a person assigned the female sex at birth but who identifies as male is a transgender man. A person who has a gender identity other than the traditional definitions of male or female may simply self-identify as transgender. Moreover, some people who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity.

[5] MSIs include Predominantly Black Institutions (PBIs), Hispanic-Serving Institutions (HSIs), Tribal Colleges and Universities (TCUs), Asian American and Native American Pacific Islander Serving Institution (AANAPISI), Alaska Native- or Native Hawaiian-Serving Institutions (ANNHSI), and Native American Non-Tribal Institutions (NANTI).

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Summary of Early Accomplishments

To **identify inequities in our programs and services**, we introduced methods to increase our data collection on race and ethnicity. On November 4, 2021, we issued guidance to our front-line employees to encourage applicants to voluntarily provide race and ethnicity data during the Social Security Number (SSN) card application process. We also updated the instructions for the *Application for a Social Security Card* to encourage members of the public to provide voluntary responses to race and ethnicity questions.[6]

We have begun **identifying and addressing systemic barriers to program participation** by:

- Conducting an extensive analysis of every question on the lengthy and complicated SSI application to determine which questions could be removed or revised. Based on our analysis, we plan to simplify the SSI application process. This includes clarifying some questions for improved readability by applicants and our front-line employees. We are also developing an online version of the SSI application that tailors the questions an applicant receives based on their responses.
- Developing a new online tool (targeted for release in March 2022) that receives requests to schedule appointments for people who want to file for SSI and other benefits (e.g., Supplemental Nutrition Assistance Program[7]). This online tool records the appointment request date as a person's protective filing date, commonly known as the date a person initially notifies us of their intent to apply for benefits. The protective filing date secures the person's SSI application filing date if they file within 60 days.[8]
- Creating and running a national communications campaign from September through November 2021 in support of the Administration's effort to inform non-tax filers, including SSI beneficiaries, of their potential eligibility for the Child Tax Credit. Code for America, a non-governmental organization that identifies uses of technology to break down barriers and improve government service, estimates that our campaign generated 34,313 filed claims of which 15,710 were found eligible.[9] This amounted to $56 million in tax benefits and was the second highest number of referrals to GetCTC.org.
- Working together with the Department of Labor and the Equal Employment Opportunity Commission to examine current and potential research on employment discrimination—one of the root causes of income inequality—and how employers can be held accountable.
- Asking for public comments on how to streamline the Continuing Disability Review (CDR) form and improve the form's readability. To further reduce burden for beneficiaries, we are developing an online version of the CDR form.

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[6] Application for a Social Security Card. Accessed on February 10, 2022 from https://www.ssa.gov/forms/ss-5.pdf.

[7] We assist Social Security Income applicants and recipients with completing a SNAP application only if they live in a SSI household, as defined in SI 01801.005, *Overview of Supplemental Nutrition Assistance Program (SNAP) Benefits*, and per our Memorandum of Understanding with the U.S. Department of Agriculture/Food and Nutrition Service.

[8] GN 00204.100, *Protective Filing*. Accessed on February 10, 2022 from https://secure.ssa.gov/poms.nsf/lnx/0200204010.

[9] In partnership with the Department of Treasury, Code for America provided us with this data.

- Engaging a diverse group of external stakeholders at the regional and national levels, including Tribal nations, to reach people from underserved communities during the COVID-19 pandemic.
  - o We established partnerships with more than 3,000 community- and faith-based organizations and recruited 650 field office employees to serve as Vulnerable Populations Liaisons. These field office liaisons receive referrals and process SSI applications from these organizations. We also promoted 100 of our field office employees to the newly created position of Vulnerable Populations Experts to review quality, timeliness, and consistency of the applications received from these organizations. Our outreach efforts with these organizations helped us obtain 1,743 SSI applications that we might not have obtained otherwise.
  - o We meet with the advocate stakeholder workgroups led by agency executives on a bimonthly basis. We also meet with sub-workgroups on a biweekly basis, all to develop evidence-based policy recommendations that we can pursue to address the needs of people facing barriers in accessing our services.
  - o We used stakeholder input to adjust our policies and procedures and to expand our online and telephone services so that people can conduct business with us without having to visit one of our field offices. In FY 2021, we released a Change of Address application to allow callers who properly verify their identity to change their address and/or telephone number without needing to visit one of our field offices.
  - o We are implementing our "Tribal Consultation and Call to Action Plan" to strengthen Tribal consultation, increase outreach efforts, and improve service delivery.
- Hosting a National Disability Forum with nearly a thousand attendees, in September 2021, which focused on "Equity in SSA Programs: Hidden Barriers," and included panelists from our stakeholder community. The panelists represented more diverse interests than prior forums. As a result of the feedback received during the forum, we will assess our medical evidence rules to adequately reflect a broader set of healthcare providers who serve people facing barriers in accessing healthcare. We will also consider revising the list of healthcare providers who qualify as "acceptable medical sources."
- Meeting with advocate groups representing the Asian American and Native American Pacific Islander, Black, Hispanic, and elder communities. We developed and published our Fiscal year (FY) 2022-2023 Language Access Plan on December 2, 2021 with relevant insights from these conversations. The Language Access Plan aligns with our limited English proficiency policy and our strategic planning efforts for FYs 2022-2026.
- Issuing a temporary final rule for the musculoskeletal disorders listings to help address COVID-19 pandemic related barriers that prevented people from timely access to healthcare. The rule temporarily changes the "close proximity of time" requirement from four months to 12 months to reflect a reasonable timeframe for medical evidence showing the level of severity needed to meet a musculoskeletal disorder listing. This

temporary rule will remain in effect through the emergency pandemic period. We will continue to assess related information that will allow us to respond to public comment at the appropriate time.

- Revising our In-Kind Support and Maintenance policy to increase the tolerance from $5 to $20. We use this tolerance to determine if a SSI recipient is paying an equal share of their household expenses in certain living arrangements. The revised policy reduces administrative burdens on SSI recipients because it limits the number of times that we redetermine their eligibility and benefit levels. It may also increase SSI applicants' eligibility for benefits or recipients' benefit amounts.

As an initial step to **ensuring equitable service for unrepresented claimants in the disability application process**, we provided training to our judges to raise awareness of unconscious bias in the context of legal decision making. As a result of the training, we are looking at ways to improve services and bring awareness to our judges of equity issues in the disability application process. Because of the September 2021 National Disability Forum noted above, we are considering ways to encourage representation of disability program applicants, especially SSI disability applicants. For instance, we are evaluating whether the current maximum fee of $6,000 that attorney and non-attorney representatives receive under the fee agreement process is enough.

To **increase gender equity and equality**, in June 2021, we submitted a report to the White House Gender Policy Council (GPC). This report informed the Government-wide strategy on gender equity and equality. In July and August 2021, we attended the first and second rounds of GPC Interagency Working Group meetings centered on issues such as women's economic security and labor force participation, women and girls' education and leadership, gender-based violence, and women's health and rights. On February 3, 2022, we issued guidance to our field office employees on *Accepting Documents with a Non-binary Sex Designation or "X" for Enumeration Requests* (original SSN card application, replacement SSN card applications, and updates to our NUMIDENT record) when evidentiary documents include non-binary sex designation, such as an X.[10]

To **increase equitable access to our research grant programs and procurement opportunities for Historically Black Colleges and Universities (HBCUs), Minority Serving Institutions (MSIs), and small and disadvantaged businesses**, we had meetings with these institutions and businesses in Summer 2021. These stakeholders reported a lack of awareness of our research grant programs and procurement opportunities and recommended that we establish direct communications with HBCUs, MSIs, and small and disadvantaged businesses. To increase our engagement with these institutions, we have:

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[10] EM-22005, *Accepting Documents with a Non-binary Sex Designation or "X" for Enumeration Requests.* Accessed on February 10, 2022 from http://policynet.ba.ssa.gov/reference.nsf/lnx/02022022010306PM.

- Developed a Request for Applications designed to increase collaboration by predominantly White research institutions with HBCUs and MSIs by encouraging applicants to:
  o Engage with HBCUs, MSIs, scholars of color, and people from underserved communities, including people with disabilities.
  o Use Community Engaged Methods as part of their project design, which asks for the inclusion of people from the most affected communities in the development of research design, data collection, analysis, and publishing of findings.
  o Incorporate people of color, people from underserved communities, and/or those with lived experiences (i.e., people from the most affected communities) as part of the research team.
- Increased outreach to HBCUs in the Analyzing Relationships between Disability, Rehabilitation, and Work program.[11]
  o Increased the amount of individual grant funding from $10,000 to $15,000 to make these opportunities more attractive to graduate students, including those from HBCUs. We increased the funding amount to be closer to the amount currently offered by other programs that fund graduate research. This effort may increase diversity among researchers working on our projects, improve collection of research data that are more representative of the populations we serve, and ensure that our research dollars are spent in an equitable manner.
- Encouraged the four Retirement and Disability Research Consortium (RDRC)[12] centers to expand their researcher networks to include scholars from HBCUs. Eight out of 71 FY 2021's RDRC projects involve scholars from HBCUs.[13] We also provided funding for three new training programs, one of which is run by the University of Illinois Chicago, a designated MSI.
- Awarded a grant of $10,000 to Delaware State University, an HBCU, to conduct disability research.
- Developed a list of 34 HBCUs to target for marketing opportunities.

We attend monthly interagency workgroup meetings with the White House Initiative on *Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities*.[14] At these meetings, we share best practices and information about Federal opportunities for HBCUs relating to grants and contracts. We developed an

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[11] Policy Research, Inc. *Analyzing Relationships between Disability, Rehabilitation and Work Small Grant Program.* Accessed on February 10, 2022 from https://ardraw.policyresearchinc.org/
[12] Social Security Administration's Extramural Projects. Accessed on February 10, 2022 from https://www.ssa.gov/policy/extramural/#RDRC.
[13] These scholars are from Bowie State University, Florida Agricultural & Mechanical University, Hunter College (City University of New York), Howard University, Spelman College, University of Illinois, Chicago, University of Maryland Eastern Shore, University of Minnesota - Twin Cities, and University of New Mexico.
[14] U.S. Department of Education, *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities.* Accessed on February 10, 2022 from https://sites.ed.gov/whhbcu/

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HBCU Competitiveness Strategy Framework Plan outlining specific actions to drive HBCU initiatives, covering two years (2020-2022). We are in the process of developing a new HBCU Competitiveness Strategy Framework Plan. This Plan includes some of the actions in the original plan, as well as new ones to drive HBCU initiatives throughout the agency.[15] Both plans are designed to support our agency strategic planning efforts. We have rebranded our presence with HBCUs in the Washington, Baltimore, and Virginia areas via their HandShake platform for sharing opportunities within the Federal government. We partnered with the Department of Education to advertise our internship opportunities in their monthly newsletter.

Beyond the activities directly related to our five focal areas for equity above, we have taken action that will more broadly promote equity. As of October 1, 2021, we elevated the Office of Civil Rights and Equal Opportunity (OCREO) to an independent office reporting directly to the Office of the Commissioner. This realignment complies with the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2019.[16] OCREO oversees our Diversity, Equity, Inclusion, and Accessibility (DEIA) program including the Diversity and Inclusion (D&I) Council and the eight Special Emphasis Program Advisory Councils. Part of OCREO's work involves contract services to conduct mediation on a national basis and the development of an Implicit Bias Training curriculum. This realignment also ensures that DEIA and Equal Employment & Opportunity matters receive the full support of agency leadership.

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[15] The Competitiveness Strategy identifies three HBCU goals to: share job vacancies with HBCUs, link internship opportunities to job vacancies by providing opportunities to HBCU students and ask for grant proposals from HBCUs to support agency research.
[16] 5 CFR 724.

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Action Plan to Identify Inequities in Our Programs and Services

Barriers to Equitable Outcome(s)
Incomplete race and ethnicity data in our records hampers our ability to determine whether our programs are equitably serving our applicants and beneficiaries. If we can improve the collection of race and ethnicity data, it expands our ability to conduct distributional analyses. These analyses evaluate how applicants and beneficiaries are faring under current policies or under potential changes. Most importantly, improved data will help us determine whether different groups are underrepresented in our programs, provide insight into which programs are particularly important to different communities, and examine whether there are differences in benefit levels based on race and ethnicity. Collecting and analyzing race and ethnicity data provides greater insight into developing potential solutions that will identify and correct inequities in our programs and services and improve service delivery to the diverse groups of people we serve.

From 1936 to 1987, we obtained data on race and ethnicity when people applied for a Social Security Number (SSN) card. During this process, people could voluntarily provide us with race and ethnicity information. In 1987, we implemented enumeration at birth (EAB), which allows parents to request a SSN when completing forms in the hospital after their child is born. However, hospitals do not collect data on the race and ethnicity of the child, so we have obtained relatively little race and ethnicity data since starting this process. While most enumeration now takes place at birth, some enumeration still occurs later in life, such as when a person seeking lawful permanent resident status requests an SSN (i.e., automated enumeration beyond entry) and when a person applies for a replacement SSN card. Currently, we do not collect race and ethnicity data through these automated enumeration processes. However, if someone goes to one of our field offices to make this request, they have the option to provide their race and ethnicity. As a result of these developments, we have race and ethnicity data for only 59 percent of living SSN holders.

Action and Intended Impact on Barrier
To address the barriers identified above, we will:
- Examine and publish:
  - 12 tables in the Annual Statistical Supplement providing data by race and ethnicity for Social Security beneficiaries for whom we have more complete data to determine any inequities in our programs.
  - Research and Statistics Note on characteristics of Social Security and SSI beneficiaries (update of the popular 2015 Research and Statistics Note[17]).
  - Modeling in the Near Term (MINT) projection model profiles of each race and ethnicity group in 2022, 2030, 2050, 2070 with earnings, benefit amounts, income, poverty, health, and wealth.

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[17] Bailey, M.S. and Hemmeter, J., *Characteristics of Noninstitutionalized DI and SSI Program Participants, 2013 Update* (2015). Accessed on February 10, 2022 from https://www.ssa.gov/policy/docs/rsnotes/rsn2015-02.html

- o MINT fact sheets on disparities between racial and ethnic groups (including benefits, income, wealth, and poverty).
- o Retirement and Disability Research Consortium working papers, which include a focal area for FY 2022 on *Disparities by Race and Ethnicity* with 22 research projects.
- Explore options for collecting race and ethnicity data when people seek a new or replacement SSN card online.
- Determine whether we can expand our data exchange efforts to obtain and share race and ethnicity data for research and statistical purposes within our existing legal framework.
- Examine statistical methods that may allow us to improve the quality of our program's race and ethnicity data.
- Conduct ongoing distributional analyses to identify disparities in customer experience by race, ethnicity, gender, age, and geography and collaborate with our external stakeholders to address such disparities.

Tracking Progress and Accountability

To measure the outcomes of our proposed actions, we will:

- Assess our progress with publishing research and statistics detailing the demographic makeup of our program populations to examine inequities in our program participation, thereby exploring changes to our policies and procedures to increase access to our programs.
- Track changes in the number of people who voluntarily provide race and ethnicity data in office visits or online when requesting a new or replacement SSN card to evaluate the effectiveness of our approaches to collecting this data and revising these approaches, if necessary, to ultimately improve service delivery.
- Assess whether it is possible to establish partnerships with other government agencies to obtain and share race and ethnicity data for research and statistical purposes and, if so, to better understand the experiences of applicants and beneficiaries with our programs.
- Track our progress on employing methods to improve the quality of our program's race and ethnicity data to evaluate whether we are serving our applicants and beneficiaries in an equitable manner.

To hold ourselves accountable, we will:

- Report our progress to Congress and the Executive Office of the President.
- Resume publishing research and statistics providing race and ethnicity data so that other institutions and stakeholders may conduct their own research to determine whether our programs are equitable.
- Measure progress in improving program data on race and ethnicity as part of performance plans for Senior Executive Service employees with oversight for this work.
- Conduct routine analysis of available race and ethnicity data within the agency and establish comparisons to appropriate datasets and data sources available elsewhere.

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Action Plan to Identify and Address Systemic Barriers to Program Participation

Barrier to Equitable Outcomes

Structural barriers such as labor market discrimination[18] result in higher levels of unemployment and lower wages for African American people and Latino people at every level of education.[19] Since Social Security benefits are based on years worked and prior wages, labor market disparities drive differences in Social Security benefits. Data prior to 2010 show that the benefit levels for White men were considerably larger than the benefit levels for people of color and White women, on average.[20]

In addition, occupational segregation – the disproportionate representation of people of color[21] and women[22] in jobs that have lower pay levels and are less likely to provide benefits such as employer-sponsored retirement plans[23] – leave people of color and women with less income and fewer retirement resources. Social Security benefits typically make up a larger share of total income[24] for people of color and White women than White men, and there is a greater need for SSI benefits. Further, even though the SSI program provides access to multiple assistance programs, many recipients and their families live at or below the poverty level.

The complexity of our SSI program—driven in, part, by legislative, regulatory, and sub-regulatory requirements— can create burdens for program applicants. This is also true for our front-line employees who assist applicants and claimants in completing forms and review processes. Many of our customers, particularly those from populations facing barriers cannot conduct business with us online. Often, this is due to limited access to technology, housing insecurity, lack of credit history, difficulty understanding the procedures to establish online accounts, or reliance on third parties for assistance.

To better address the administrative burdens facing our applicants, we want to take actions to ensure these applicants are receiving benefits for which they qualify. In particular, the length

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[18] Quilian, L., et al., Proceedings of the National Academy of Sciences, *The persistence of racial discrimination in hiring* (2017). Accessed on February 10, 2022 from https://www.pnas.org/content/pnas/114/41/10870.full.pdf.

[19] Kijakazi, K., et al., Urban Institute, *African American Economic Security and the Role of Social Security* (2019). Accessed on February 10, 2022 from https://www.urban.org/sites/default/files/publication/100697/african_american_economic_security_and_the_role_of_social_security.pdf.

[20] Social Security Administration, Annual Statistical Supplement, 2010 - OASDI Current-Pay Benefits: Summary (5.A). Accessed on February 10, 2022 from https://www.ssa.gov/policy/docs/statcomps/supplement/2010/5a.pdf.

[21] Hamilton, D et al., Economic Policy Institute, *Whiter Jobs, Higher Wages – Occupational segregation and the lower wages of black men* (2011). Accessed on February 10, 2022 from https://files.epi.org/page/-/BriefingPaper288.pdf.

[22] Baxter, E., American Progress, *What Occupational Data Show About the Causes of the Gender Wage Gap* (2015). Accessed on February 10, 2022 from https://www.americanprogress.org/article/what-occupational-data-show-about-the-causes-of-the-gender-wage-gap/.

[23] Copeland, C., Employee Benefit Research Institute, Employment-Based Retirement Plan Participation: Geographic Differences and Trends, 2013 (2014). Accessed on February 10, 2022 from https://www.ebri.org/publications/research-publications/issue-briefs/content/employment-based-retirement-plan-participation-geographic-differences-and-trends-2013-5451.

[24] Social Security Administration, Section 9, Importance of Social Security Relative to Total Income (2014). Accessed on February 10, 2022 from https://www.ssa.gov/policy/docs/statcomps/income_pop55/2014/sect09.pdf.

and complexity of the SSI application can seem daunting for many applicants. Further, recipients who receive SSI benefits are required to continually report their earnings to us. Recipients can report their earnings through multiple avenues (i.e., calling or writing a local field office, using the automated toll-free SSI Telephone Wage Reporting Service, the free SSI Mobile Wage Reporting Smartphone app, or the *my* Social Security online wage reporting tool). Many, still, may find this reporting requirement difficult.

We also understand that many applicants cannot access our online or telephone services and have limited ability to make an appointment (e.g., due to housing insecurity or medical reasons). They may have experienced even greater difficulty reaching us during the COVID-19 pandemic, thereby impacting their participation in our programs. Our actuaries found that the number of SSI applications in 2021 was about 25-30 percent lower than pre-pandemic levels in 2019. Further, during the COVID-19 pandemic, we have been providing limited in-person services to people with appointments to address critical needs. Given the situation, this likely creates additional barriers for some.

Action and Intended Impact on Barriers
To address the barriers identified above, we will:
- Establish Agency Priority Goals (APG) for fiscal year (FY) 2022-2023 focused on equity and improving the customer experience.
- Explore development of an office that partners with Tribal Nations. This office will host timely national consultations with Tribal government officials designed to inform our policy and communication with Indian Tribes and Tribal officials, including natives from Alaska; They will also ensure Native Americans can access DI and SSI benefits, especially in remote locations.
- Explore establishing a Customer Experience (CX) office that reports directly to the Office of the Commissioner. The CX office will support and fulfill our commitments in EO 14058, *Transforming Federal Customer Experience and Delivery to Rebuild Trust in Government.*[25] The following work is already underway:
    o Collect feedback from our customers on their experiences with our programs and services, identify any pain points, and explore ways to reduce the burden on customers when applying for and participating in our programs
    o Continue to simplify forms by:
        ▪ Clarifying questions on our SSI application for improved readability by applicants and our front-line employees.
        ▪ Exploring data exchanges to limit an applicant's need to provide the same information to multiple Federal agencies and increase access to and equity in government services.
    o Improve our service delivery by providing alternatives to in-person visits and increasing the number of online forms (e.g., SSI). Also, developing a mobile-

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[25] Executive Order No. 14058, 86 FR 71357 (December 16, 2021). Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.

accessible, online process so that any person applying for or receiving services from the agency can upload forms, documentation, evidence, or correspondence associated with their transaction, whenever possible.
- o Maintain a public policy of technology neutrality with respect to acceptable forms of electronic signatures, whenever possible.
- o Revise our regulations, forms, instructions, or other guidance to remove requirements that applicants or beneficiaries must provide physical signatures, whenever possible.
- o Support applicants and beneficiaries to identify other benefits they may be eligible for and integrate our data and processes with those of other Federal and State entities, whenever possible. For example, we will continue our collaboration with the United States Department of Agriculture, Food and Nutrition Services to increase the participation of SSI applicants and recipients in the Supplemental Nutrition Assistance Program.
- Continue our collaboration with the Department of Labor, Equal Employment Opportunity Commission, and other Federal agencies to determine means of holding employers accountable when they unlawfully discriminate in hiring and work practices.
- Conduct research activities on our DI and SSI programs to learn about barriers applicants and beneficiaries face and implement changes to these programs, as appropriate.

Tracking Progress and Accountability
To measure the outcomes of our proposed actions, we will:
- Conduct customer feedback surveys across various journeys and touch points in our programs to improve service delivery to our customers.
- Track increases in the percentage of applicants, new recipients, and total recipients in our DI and SSI programs to evaluate the effectiveness of changes to our policies and practices.
- Assess the effects of changes to our service delivery methods on their accessibility, use, efficiency, security, equitable service delivery, and equitable customer experience.

To hold ourselves accountable, we will:
- Report our progress to the Executive Office of the President.
- Embed a metric in performance plans for Senior Executive Service employees with oversight of this work for both equitable service delivery and customer experience.
- Continue engagement with our executive branch partners, external stakeholders, the public, and Congress (as appropriate) to increase access to information about our programs and program participation by people from underserved communities.

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Action Plan to Ensure Equitable Service for Unrepresented Claimants in the Disability Application Process

<u>Barriers to Equitable Outcomes</u>
The DI and SSI programs provide benefits to claimants who cannot work because they have a medical condition that is expected to last at least one year or result in death. In determining whether a claimant is eligible for disability benefits, we (i.e., Disability Examiners at the State Disability Determination Service offices, administrative law judges, and administrative appeals judges) rely on medical evidence, work history information, and testimony from the claimant and any other relevant sources (e.g., a third-party, medical expert, or vocational expert).

While claimants can choose to appoint an attorney or non-attorney representative at any point in the disability application process, many do not. For example, some claimants may be reluctant to pay a portion of their awarded back benefits to a representative, they may not understand how a representative could assist them in the application process, or they may not have access to free or low-cost legal services, to name a few.[26] However, research shows that having a representative during the disability appeals process increases the possibility of being awarded benefits. For instance, a Government Accountability Office report found that claimants who had a representative at the hearing level were granted disability benefits at a rate nearly three times as high as applicants who did not have a representative.[27] Representatives can obtain the necessary evidence (e.g., claimant's medical records or work history information). They can also request that we assist in the development of medical evidence. We do this by sending the claimant to an examination with one of our medical experts. This ensures that the claimant's file is as complete as possible.

Despite our efforts to inform claimants about their right to representation after their application has been denied at the initial, reconsideration, or hearing level, our data show that in 2020, 34 percent of claimants were unrepresented at the reconsideration level and 23 percent of claimants were unrepresented at the hearing level.[28] A closer look at the data at the hearing level shows that in 2020, nearly 62.5 percent of dismissals were for cases where the claimant did not have a representative. We note that our data did not capture the specific reasons these cases were dismissed at the hearing level.

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[26] Abt Associates, *Claimant Representative Demonstration Technical Experts Panel Meeting Final Report* (2019). Accessed on February 10, 2022 from
https://www.ssa.gov/disabilityresearch/documents/Claimant_Representative_Demo_TEP_report_508a%20final_Final.pdf.
[27] U.S. Government Accountability Office, GAO-18-37, *Additional Measures and Evaluation Needed to Enhance Accuracy and Consistency of Hearings Decisions* (2017).
[28] SSA's Representative Rates by Adjudicative Level FY 2011 – FY 2020. Accessed on February 10, 2022 from
https://www.ssa.gov/foia/resources/proactivedisclosure/2020/Representative%20Rates%20by%20Adjudicative%20Level%20FY%202011%20-%20FY%202020.docx.

We are also concerned that while evidence indicates that African American people are more likely to have a disability[29], they are less likely to be approved for disability benefits than White people.[30] It is unclear whether a lack of representation is a contributing factor. We are committed to evaluating and improving our internal processes to increase equitable service to unrepresented claimants in the disability application process.

Action and Intended Impact on Barrier

To address the barriers identified above, we will:

- Evaluate the impact of internal processes on outcomes for unrepresented claimants in the disability application process by:
  - o Analyzing existing program data and external data to identify and examine sources of any potential bias in the disability application process as well as factors that might play a role in access to representation or might cause disparities in the rate of allowances for applicants (e.g., by race, ethnicity, age, or medical condition).
  - o Inviting proposals through our research programs to test new strategies to assist people in underserved communities in applying for or appealing their decisions on claims for DI and SSI benefits.
  - o Conducting more targeted denial reviews to identify incorrect denials at the reconsideration level.
  - o Developing a research study to identify and address potential bias within the Quick Disability Determination process.[31]
  - o Conducting mandatory training on unconscious bias for all agency employees, including employees who make decisions on eligibility for DI and SSI disability benefits. The intent of this training is to disrupt and correct any negative biases that might interfere with the decision-making process.
  - o Evaluating whether the current maximum fee of $6,000 that representatives receive under the fee agreement process is enough.
- Work with the National Organization of Social Security Claimants' Representatives, a specialized bar association for attorneys and advocates, and the National Association of Disability Representatives, a professional organization of Social Security claimants' representatives, to increase representation for DI and SSI claimants. This is especially the case for SSI claimants as they tend to have lower levels of representation.
- Continue to reach out to unrepresented claimants to prepare them for the hearing process and explain their right to representation.

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[29] Goodman, N et.al., National Disability Institute, *Financial Inequality: Disability, Race, and Poverty in America*. Accessed on February 10, 2022 from https://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf.

[30] U.S. Government Accountability Office, GAO/HRD-92-56, *Social Security: Racial Difference in Disability Decisions Warrants Further Investigation* (1992).

[31] Quick Disability Determination cases are initial cases that are electronically identified as having a high potential that the claimant is disabled, evidence of the claimant's allegations can be easily and quickly obtained, and the case can be processed quickly in the Disability Determination Services (DDS).

- Explore collaborations with *pro-bono* and low-cost legal service groups near our field offices and hearing offices to increase representation at earlier stages in the disability application process.

Tracking Progress and Accountability
To measure the outcomes of our proposed actions, we will:
- Track the percentage of claimants obtaining representation at all levels of the disability process and outcomes on their claims to evaluate and revise our internal processes, as appropriate, and ultimately, to increase access to representation and equity in program participation
- Evaluate the sufficiency of the maximum fee that representatives receive under the fee agreement process to incentivize representation of more disability program applicants.
- Increase the percentage of represented claimants at all levels of the disability application process.

To hold ourselves accountable, we will:
- Report our progress to the Executive Office of the President.
- Continue engagement with our executive branch partners, external stakeholders, and Congress (as appropriate) on increasing representation of DI and SSI applicants.

Social Security's Equity Action Plan in Agreement with EO 13985

Action Plan to Increase Gender Equity and Equality in Our Programs

Barriers to Equitable Outcomes

Currently, to process applications for an original Social Security Number (SSN) card, our systems require an applicant to identify their sex using one of the two binary sex markers (M or F). While the face of a SSN card does not include an applicant's sex information, our systems do collect this information. Our current process allows people to update their sex designation information if they provide evidence such as a passport, state-issued amended birth certificate, court order, or medical certification.[32] We recognize that our current policy and systems' design pose administrative burdens for gender-diverse and transgender people. To ensure equitable service to gender-diverse and transgender people, we are exploring policy and systems changes, including self-attestation without evidence for the SSN card application process.

Although there has been some movement towards streamlining administrative processes to update information on identity documents at the Federal and State level, we understand that transgender people still experience difficulties in obtaining accurate records, which may lead to harassment, refusal of service, loss of employment, and other complications in their lives. According to a 2016 report, only 11 percent of respondents reported that all their identity documents had the name and gender they preferred, while 68 percent reported that none of their identity documents had the name and gender they preferred.[33] At the time this survey was conducted, only 59 percent of respondents had updated their Social Security record. More recent data shows there are an estimated 1.4 million people who self-identify as transgender in the United States.[34] Further, there are 15 States who now allow for X gender markers on birth certificates and 21 States allow X gender markers on driver's licenses.[35]

In addition to the barriers faced by transgender people, we cannot process applications for original SSN cards, including cards issued automatically via the enumeration at birth (EAB) process, if an applicant provides a non-binary sex marker (e.g., X). Instead, the applicant (or parent or guardian) must apply for an original SSN card in our field office. From May 2021 to November 2021, 401 applications for an SSN card for children could not be processed through EAB because of a non-binary sex marker on the supporting birth certificate. However, we continue to help these parents or guardians at our field offices to complete the original SSN card process for their children.[36]

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[32] RM 10212.200, *Changing Numident Data for Reasons other than Name Change*. Accessed on February 10, 2022 from http://policynet.ba.ssa.gov/poms.nsf/lnx/0110212200.

[33] Movement Advancement Project, National Center for Transgender Equality, Transgender Law Center. *Understanding Issues Facing Transgender Americans*. Accessed on February 10, 2022 from https://www.lgbtmap.org/file/understanding-issues-facing-transgender-americans.pdf.

[34] UCLA School of Law Williams Institute. *How Many Adults Identify as Transgender in the United States?* Accessed on February 10, 2022 from https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/.

[35] Movement Advancement Project. *Identity Document Laws and Policies*. Accessed on February 10, 2022 from https://www.lgbtmap.org/equality-maps/identity_document_laws.

[36] EM-22005, *Accepting Documents with a Non-binary Sex Designation or "X" for Enumeration Requests*. Accessed on February 10, 2022 from http://policynet.ba.ssa.gov/reference.nsf/lnx/02022022010306PM.

Social Security's Equity Action Plan in Agreement with EO 13985

Action and Intended to Impact on Barriers

To address the barriers identified above, we will:

- Host listening session(s) with advocates, medical professionals, and stakeholders to learn about improving policy, service, and access to our disability programs for people in the LGBTQIA+ community.
- Explore the development of a self-attestation policy for change of sex designation for the SSN card application process with input from our executive branch partners and external stakeholders.
- Survey methods of collecting data on sex designation for research and statistical purposes through the SSN card application process.
- Conduct agency-wide training to inform our employees on unconscious bias that may impact equitable service to the public, including gender-diverse and transgender people.
- Publish revisions to existing policies, notices, relevant publications, and online resources to add gender-neutral language, where appropriate.

Tracking Progress and Accountability

To measure our progress, we will:

- Track the development of a self-attestation policy for the SSN card application process to reduce administrative burdens for gender-diverse and transgender people.
- Require employees' completion of agency-wide training on unconscious bias and use of agency-wide policy aimed at reducing administrative burdens for and improving our service delivery to gender-diverse and transgender people.
- Track the publishing of revisions to notices, relevant publications, and online resources to add gender neutral language, where appropriate, and improve service delivery to gender diverse and transgender people.

To hold ourselves accountable, we will:

- Report our progress to Congress and the Executive Office of the President.
- Continue existing and appropriate equity-related performance standards in Senior Executive Service employees' and other employees' performance plans, where applicable, to ensure successful implementation of the actions identified above.
- Conduct an annual survey of our employees to assess their understanding and responsiveness to agency-wide guidance and trainings.
- Continue engagement with our executive branch partners, external stakeholders, and Congress (as appropriate).

Social Security's Equity Action Plan in Agreement with EO 13985

Action Plan to Increase Equitable Access to Our Research Grants and Procurement Opportunities for Historically Black Colleges and Universities, Minority Serving Institutions, and Small and Disadvantaged Businesses

Barrier to Equitable Outcomes
Our data indicates that our research grants and procurement opportunities are reaching a very limited number of Historically Black Colleges and Universities (HBCUs), Minority Serving Institutions (MSIs), and small and disadvantaged businesses. For example, from 2003 to the present, we have awarded almost $369 million in research contracts to 10 contracting organizations. Of these, only one is a small and disadvantaged business and was awarded a contract of just over $1 million. During the same period, research grants have been awarded to 50 different institutions, of which, only one of the primary grantees was an HBCU and one subgrantee was based at an MSI.

We held conversations with stakeholders to learn about potential barriers in the acquisition process for HBCUs, MSIs and small and disadvantaged businesses. They discussed the lack of our outreach to these institutions and the competitive advantage that current contractors and grantees gain from their long-term relationships with us and familiarity with our processes. The existing contractors and grantees may have also benefited financially from the lengthy engagement with the government and other large institutions. Their financial status makes it easier for them to outcompete other contractors and grantees that may not have the same long-term relationships.

Since we rely on research to learn about the diverse people we serve, how they are affected by our programs, and ways in which our programs can be improved to better serve the public, we recognize the importance of engaging with researchers who represent the diversity of the American public.

Action and Intended Impact on Barriers
To address the barriers identified above, we will:
- Develop equity-based guidelines to increase access to and encourage participation in grant opportunities by HBCUs and MSIs in the following ways:
  - Conduct outreach to learn more about barriers faced by HBCUs and MSIs and determine what steps we can take to reduce these barriers.
  - Establish new and leverage existing relationships with HBCUs and MSIs and professional organizations by consistently sharing information with them about our upcoming grant opportunities to the extent allowed under Federal law.
  - Expand existing partnerships with States, private foundations, and other non-Federal groups and organizations by including HBCUs and MSIs in our research programs.

- Draft our Requests for Applications to encourage the Retirement and Disability Research Consortium to partner with HBCUs and MSIs when conducting their research studies on the DI and SSI programs.
- Implement leading practices to increase access to and encourage participation in procurement by small and disadvantaged businesses in the following ways:
    - Conducting outreach and targeted market research to learn more about barriers small and disadvantaged businesses face and determine what steps we can take to reduce these barriers.
    - Ensuring equitable distribution to HUBZone small businesses when searching the Amazon Business account as permissible by Federal law.
    - Enhancing the content of our acquisition forecast to provide more information to small and disadvantaged businesses.
    - Increasing the publishing of Requests for Information to identify small and disadvantaged businesses capable of fulfilling our procurement needs.
    - Prioritizing our efforts in both sole source and competitive environments to increase our ability to exceed our fiscal year small business goals and further assist in meeting the President's 15 percent small business goal by 2025.[37]
    - Exploring new methods to improve contracting processes in partnership with the Small Business Administration.
    - Reviewing and adjusting our stewardship practices, policies, and procedures to boost opportunities for small and disadvantaged businesses on both small and large contracts.
    - Ensuring coordination among our contracting personnel, the requesting component, the Office of Small and Disadvantaged Business Utilization, and the Office of Civil Rights and Equal Opportunity.
- Establish a framework and process to ensure grant recipients of Federal funds are complying with anti-discrimination civil rights provisions, and all procurement solicitations and awards include the appropriate terms and conditions required to implement law or executive order applicable to the acquisition (e.g., Equal Opportunity clause(s)).

Tracking Progress and Accountability
To measure our progress, we will:
- Track the percentage of research grants and procurement opportunities that are awarded to HBCUs, MSIs, and small and disadvantaged businesses to evaluate and improve our outreach and engagement efforts and increase equitable access to our research grants and procurement opportunities.
- Track the number of published research studies that apply new approaches (e.g., community-based methodologies) to improve our understanding of the diverse

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[37] Office of Management and Budget, *Memo-22-03 on Advancing Equity in Federal Procurement* (2021). Accessed on February 10, 2022 from https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf.

communities and their needs and revise our programs and policies in an equitable manner.

To hold ourselves accountable in the following ways, we will:
- Report our progress to the Executive Office of the President.
- Embed a metric in performance plans for SES employees with oversight of this work.
- Enforce compliance with antidiscrimination civil rights policies and law, both internal and external to the agency.
- Ensure that the Office of Small and Disadvantaged Business Utilization continues to have access to senior leadership and agency acquisition officials to increase the probability of participation by small and disadvantaged businesses.
- Obtain feedback from external stakeholders to ensure that we are conducting effective engagement and outreach to MSIs and small and disadvantaged businesses.

Conclusion

Our programs are intended to provide or improve income security for the diverse group of people we serve. However, systemic barriers external and internal to the agency hinder our ability to ensure equitable access to our programs and services. We have and intend to continue to identify the sources of these barriers, take actions to address them—sometimes in collaboration with our executive branch partners and external stakeholders—and measure the results over time.