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HOUSE OF REPRESENTATIVES

REPORT
119–29

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT OF THE UNITED STATES TO FURNISH CERTAIN INFORMATION TO THE HOUSE OF REPRESENTATIVES RELATING TO THE OPERATIONS OF THE SOCIAL SECURITY ADMINISTRATION AFTER JANUARY 20, 2025, INCLUDING INFORMATION ON THE DEPARTMENT OF GOVERNMENT EFFICIENCY'S ACCESS TO THE SOCIAL SECURITY ADMINISTRATION AND TO INFORMATION IN THE POSSESSION OF SUCH ADMINISTRATION

MARCH 21, 2025.—Referred to the House Calendar and ordered to be printed

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Mr. SMITH of Missouri, from the Committee on Ways and Means, submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 195]

The Committee on Ways and Means, to whom was referred the resolution (H. Res. 195) of inquiry requesting the President of the United States to furnish certain information to the House of Representatives relating to the operations of the Social Security Administration after January 20, 2025, including information on the Department of Government Efficiency's access to the Social Security Administration and to information in the possession of such Administration, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to.

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I. SUMMARY AND BACKGROUND

A. Purpose and Summary

H. Res. 195 requests that the President of the United States provide the House of Representatives with any document, record, audio recording, memorandum, call log, correspondence, activity logs, audit trails, audit logs, written agreements, or other communication relating to the Department of Government Efficiency's (DOGE) access to, or usage of, the Social Security Administration's (SSA) information technology systems; visits to the SSA by DOGE, Elon Musk, or any member of his team; SSA's compliance with certain Executive Orders; number of calls per day to the national toll-free telephone number maintained by the SSA; the number of calls per day and visitors per day to the SSA field offices; the closure or consolidation of offices of the SSA; and reduction in staff at the SSA.

B. Background and Need for Legislation

On March 5, 2025, H. Res. 195 was introduced by Representative John Larson. H. Res. 195 is a resolution of inquiry, which is a method infrequently used by the House of Representatives to obtain certain factual information from the Executive Branch. Under clause 7 of rule XIII, a resolution of inquiry is subject to a motion to discharge from committee if the resolution is not reported by the committee to which it was referred within 14 legislative days of its introduction. Accordingly, the Committee on Ways and Means scheduled a markup of H. Res. 195 within the 14-day period.

The Committee reported the resolution unfavorably because, among many flaws, much of the information requested is already publicly available. In the first months of President Trump's administration the SSA has been transparent with both Congress and the public with its service delivery data and the changes they are making to improve efficiencies across the program. The SSA regularly publishes and updates various performance measures of the National 800 Number and other service delivery metrics including average speed of answer, percent of callers who reach a representative, and average wait time.[1]

The Acting Commissioner of Social Security has affirmatively stated that DOGE employees are not permitted to make changes to agency systems, benefit payments, or other information, that these individuals are subject to the same legal penalties for im-

[1] Social Security Administration, *800 Number Performance* (March 4, 2025), https://www.ssa.gov/ssa-performance/800-number-performance.

proper disclosure of sensitive information that all SSA employees face, and that if they fail to follow the law, they will be referred to the Department of Justice for possible prosecution.[2]

Rooting out fraud and waste is imperative to ensure the right benefit is paid to the right person at the right time. With the SSA's Office of the Inspector General finding $72 billion in improper payments from 2015–2022,[3] it is obvious that the mission DOGE has been tasked with is long overdue. For these reasons, the Committee reported the resolution adversely.

C. Legislative History

Background

H. Res. 195 was introduced on March 5, 2025, and was referred to the Committee on Ways and Means.

Committee Action

The Committee on Ways and Means marked up H. Res. 195 on March 12, 2025, and ordered the resolution reported adversely (with a quorum being present) by a roll call vote.

II. EXPLANATION OF THE BILL

H. Res. 195 requests that the President of the United States furnish certain information to the House of Representatives relating to the operations of the Social Security Administration after January 20, 2025, including information on the Department of Government Efficiency's access to the Social Security Administration and to information in the possession of such Administration.

III. VOTES OF THE COMMITTEE

In compliance with the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means during the markup consideration of H. Res. 195, Of inquiry requesting the President of the United States to furnish certain information to the House of Representatives relating to the operations of the Social Security Administration after January 20, 2025, including information on the Department of Government Efficiency's access to the Social Security Administration and to information in the possession of such Administration on March 12, 2025.

H. Res. 195 was ordered adversely reported to the House of Representatives by a roll call vote of 24 yeas to 18 nays (with a quorum being present). The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Smith (MO)	X	....	....	Mr. Neal	....	X	....
Mr. Buchanan	X	....	....	Mr. Doggett	....	X	....
Mr. Smith (NE)	X	....	....	Mr. Thompson	....	....	....
Mr. Kelly	....	....	....	Mr. Larson	....	X	....
Mr. Schweikert	X	....	....	Mr. Davis	....	X	....
Mr. LaHood	X	....	....	Ms. Sánchez	....	X	....

[2] Social Security Administration, *Statement from Lee Dudek, Acting Commissioner, about Commitment to Agency Transparency and Protecting Benefits and Information* (February 19, 2025), https://www.ssa.gov/news/press/releases/2025/#2025-02-19.

[3] Social Security Administration Office of the Inspector General, *Preventing, Detecting, and Recovering Improper Payments* (August 2024), https://oig.ssa.gov/assets/uploads/072401.pdf.

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Arrington	X			Ms. Sewell			
Mr. Estes	X			Ms. DelBene		X	
Mr. Smucker	X			Ms. Chu		X	
Mr. Hern	X			Ms. Moore (WI)		X	
Mrs. Miller (WV)	X			Mr. Boyle		X	
Dr. Murphy	X			Mr. Beyer		X	
Mr. Kustoff	X			Mr. Evans		X	
Mr. Fitzpatrick	X			Mr. Schneider		X	
Mr. Steube	X			Mr. Panetta		X	
Ms. Tenney	X			Mr. Gomez		X	
Mrs. Fischbach	X			Mr. Horsford		X	
Mr. Moore (UT)	X			Ms. Plaskett		X	
Ms. Van Duyne	X			Mr. Suozzi		X	
Mr. Feenstra	X						
Ms. Malliotakis							
Mr. Carey	X						
Mr. Yakym	X						
Mr. Miller (OH)	X						
Mr. Bean	X						
Mr. Moran	X						

IV. BUDGET EFFECTS OF THE BILL

A. Committee Estimate of Budgetary Effects

With respect to clause 3(d) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report.

B. Statement Regarding New Budget Authority and Tax Expenditures Budget Authority

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involved no new or increased budget authority. The Committee states further that the bill involves no new or increased tax expenditures.

C. Cost Estimate Prepared by the Congressional Budget Office

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee advises that the Congressional Budget Office did not provide a cost estimate of the resolution.

V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

A. Committee Oversight Findings and Recommendations

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

B. Statement of General Performance Goals and Objectives

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill does not authority funding, so no statement of general performance goals and objectives is required.

C. Information Relating to Unfunded Mandates

This information is provided in accordance with section 423 of the *Unfunded Mandates Reform Act of 1995* (Pub. L. No. 104–4).

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

D. Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

E. Duplication of Federal Programs

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Pursuant to clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee advises that H. Res. 195 does not make any changes to existing law.

VII. DISSENTING VIEWS

Social Security has been the bedrock of Americans' financial security ever since President Franklin D. Roosevelt signed it into law nearly 90 years ago. Today, almost all workers contribute to Social Security and earn its benefits, and nearly one in 3 households include at least one person who receives Social Security. The income Social Security provides is vital for retirees, families who have lost a breadwinner, and workers who have experienced a career-ending injury or illness—helping them to put food on the table, pay the rent, heat their homes, cover medical bills, and more. Social Security's importance to the American people and its approximately 70 million beneficiaries cannot be overstated.

Yet for years, the Social Security program has been threatened by efforts to undermine it, reduce benefits, and move the program toward privatization. Now, President Trump is spreading widely discredited information about the program and its integrity; Elon Musk, the richest man in the world, is calling Social Security a "Ponzi scheme"; and the Trump Administration is taking a wrecking ball to the Social Security Administration (SSA). Undermining SSA's ability to serve the public is the next step in a calculated effort to dismantle trust in Social Security and open the door to privatization—an outcome that rewards Wall Street but jeopardizes the benefits working families rely on.

This Resolution of Inquiry (ROI) seeks to ensure Congress carries out necessary oversight of the Trump Administration and activities of individuals affiliated with the so-called, faux "Department of Government Efficiency" (DOGE) at SSA. This ROI asks for documents related to: (1) access to, and usage of SSA's information technology systems by Mr. Musk and DOGE, including the agency's beneficiary records and payment systems; (2) visits to SSA by Mr. Musk and representatives of DOGE; (3) actions taken by SSA to comply with Executive Orders issued by President Trump that jeopardize service to the public by slashing agency budgets, workforce, and offices; attack diversity, equity, and inclusion; and upend agency policymaking; (4) the volume of calls to SSA's national 1–800 toll-free number after January 20, 2025; (5) the volume of calls and visitors to SSA's field offices after January 20, 2025; (6) current and planned closures of SSA offices, including field offices and hearing offices, in 2025; and (7) current and planned reductions of SSA staff, in 2025.

Social Security Subcommittee Ranking Member Larson captured the importance of this resolution in seeking transparency from the executive branch:

> *"Where's the independence of the committee? Where's the legislature? We're an equal branch of government and you start off with a blather and yet look at the empty seats here. Where's Elon Musk? I'm sure he's a genius and is a*

very credible person because of the wealth he's accumulated. But that does not put him above the law or the responsibility to come before this committee in this Congress."

He has also heard significant concerns from constituents who receive Social Security benefits and are alarmed by Mr. Musk and his DOGE affiliate's actions, including these two:

"If my husband (age 76) and I (age 77) don't get our Social Security, we would be forced to rapidly deplete our savings before the end of our expected life spans. My husband paid into Social Security for 53 years and I've paid into it for 55 years. Musk's approach of "slash and burn" as a way to save money must be stopped!! It is a ruthless and irresponsible approach to obtaining government efficiency or savings. Do everything you can to get moderate Republicans to join the Democrats and fight back on this!" (Anonymous Constituent)

"I am a Senior Citizen that relies on Social Security as the main source of income to pay my rent as well as monthly expenses. if my benefits are reduced or if there is any disruption in my monthly payments, this will cause me to lose my ability to remained housed. This feeling of instability is ever present as long as the current Maga administration and Elon Musk are allowed access to our sensitive personal information. This chaos and confusion is leading to total economic instability for all Americans." (Anonymous Constituent)

Mr. Musk and individuals affiliated with DOGE first gained access to U.S. Treasury payment systems that deliver Social Security benefits and store millions of Americans' personal and confidential information, without anyone disclosing exactly what data they accessed and copied. This is an extreme breach of privacy. Under the guise of addressing fraud, Mr. Musk and DOGE affiliates then turned their attention to SSA, accessing its databases. SSA's beneficiary payment systems manage some of the most sensitive personal information, such as banking information, home addresses, and Social Security numbers (SSNs). SSA establishes SSNs for nearly all Americans, and SSA's confidential files can also include the reasons for benefit receipt, such as whether a person is receiving benefits because a parent or spouse has died; whether a person is receiving benefits due to a disability, and their specific medical conditions; or whether a child is receiving foster care services. Seniors, survivors, people with disabilities, and children who rely on Social Security benefits must be able to trust that their personal information is safeguarded, especially from those whose only interest is their own wealth. Member offices have been flooded with calls from constituents who have been alarmed that their personal information may be compromised by Elon Musk or those associated with DOGE—or even worse, who are frightened that their Social Security benefits will be cut off. No one should be rummaging around in confidential information of Social Security beneficiaries and the public. This is especially true for uncleared, unaccountable, and unelected people with no experience in managing or auditing government systems and programs.

Under the guidance of DOGE, SSA officials also have announced plans to close offices and to cut its workforce by 7,000 employees, or nearly one out of every 8 employees. Shuttering field and hearing offices and gutting SSA staffing has nothing to do with "governmental efficiency." SSA already operates with a customer service budget of under one percent of benefit payments, and staffing is at a 50-year low, all while serving a record number of beneficiaries. Years of understaffing and lack of resources have led to a customer service crisis at SSA. Closing the very field and hearing offices that beneficiaries rely on and gutting staff would only deepen the crisis. If this plan becomes a reality, the public will face longer backlogs, delayed payments, and strained customer service, all of which are backdoor cuts to Social Security that will harm millions of Americans.

The risks are real. As former Commissioner of Social Security Martin O'Malley recently noted, there is a significant danger "that for the first time in over eight decades, Social Security benefits could be interrupted." In addition, Americans' personal data could be leaked, lost, sold, or used to enrich a few. Identity theft is a threat that too many Americans have already experienced. Thus, it is imperative that we receive information requested in this ROI.

The constant stream of operational changes and missteps associated with DOGE's access to SSA is also sowing chaos and confusion. For example, the targeted and abrupt cancellation of Maine's access to SSA's Enumeration at Birth and Electronic Death Registry—now reinstated—would have ended the ability of parents to apply at the hospital for a SSN for their newborn, and for bereaved family members to report deaths through a funeral home. It also would have hindered the very SSA database that safeguards against payments to dead people. In another example of the chaos, recent and seemingly routine updates to SSA's Terms of Service for mySSA online accounts sparked panic among constituents, who were already alarmed over access by Mr. Musk and DOGE to Social Security's payment systems and confidential beneficiary files. Finally, during the Committee's markup of this ROI, The Washington Post broke news of pending Trump Administration plans to end SSA's 1–800 number phone service for millions of Americans filing retirement and disability claims. These changes would have significantly reduced access to benefits, especially for older beneficiaries who have challenges with internet services or live far from a field office. Due to outcry from the public, SSA reversed its decision hours later. Minority members submitted The Washington Post's article into the record.

The steps the Trump Administration and Mr. Musk have taken are alarming. The President and Mr. Musk should be answering the questions members of Congress and the American people are asking: Why they are seeking access to private and confidential information at SSA, behind closed doors, while telling the public something different? Why are they gutting SSA's staff when the agency is at a fifty-year low and in the midst of a customer service crisis? Why are they restricting access for beneficiaries by closing field offices and hearing offices?

Executive oversight is a fundamental responsibility of Congress. Passing this resolution would have helped to ensure transparency in our government. Yet the Majority voted to reject this resolution, allowing the executive branch to hide in the darkness from the American people and from Congress, unchecked as they rifle through the people's data.

For these reasons, we believe our Majority colleagues were wrong to adversely report this Resolution of Inquiry to the full House of Representatives.

Sincerely,

RICHARD E. NEAL,
Ranking Member.

DISSENTING VIEWS

Americans' right to privacy is under attack. Privacy is next to liberty in our democratic system, yet the President and his billionaire cabinet are jeopardizing that value for their own power and enrichment. This Resolution of Inquiry (ROI) is an important step in ensuring Congress continues its important job of oversight over the Executive Branch.

Elon Musk and the so-called, faux "Department of Government Efficiency" (DOGE) have accessed, and are attempting to access, millions of Americans' personal and confidential information without anyone knowing exactly what data they accessed and copied, how the data is or will be used, and the names, clearance levels, and training of the individuals accessing this data. This is an extreme breach of privacy.

This ROI asks for documents related to DOGE's access to, and usage of: (1) the Treasury payment systems, (2) confidential taxpayer information protected by federal tax law, and (3) screenshots taken of Treasury payment systems' data by a member of DOGE.

Mr. Musk and members of DOGE are ignoring two federal privacy laws: (1) Section 6103 of the Internal Revenue Code and (2) the Privacy Act of 1974. Section 6103 provides that tax returns and return information shall be confidential unless an exception applies. The term "return information" is very broad and includes, among other things, a taxpayer's name, address, social security number, and nearly all information received or collected by the Internal Revenue Service (IRS) with respect to a tax return. Unauthorized disclosure of tax returns or return information is a felony and is punishable by a fine not exceeding $5,000, or imprisonment of not more than 5 years, or both.

As the court noted in *Comm. on Ways & Means, U.S. House of Representatives* v. *U.S. Dep't of Treasury*, 575 F. Supp. 3d.53, 59–60 (D.D.C. 2021), Section 6103 was expanded after President Nixon issued two executive orders authorizing the Department of Agriculture to inspect for "statistical purposes" the tax returns of all farmers. Congress objected, and President Nixon revoked the orders. More troubling to Congress, however, was that members of the Nixon White House obtained IRS records, including tax returns, for many of President Nixon's political opponents. These revelations worried the House committee members enough that they proposed an article of impeachment alleging that President Nixon had violated the constitutional rights of taxpayers.

As referenced above, Mr. Musk and DOGE are also ignoring the Privacy Act, which was designed to provide individuals with more control over the gathering, dissemination, and accuracy of agency information about themselves. *See Alliance for Retired Americans, et al.,* v. *Bessent, United States District Court for the District of Columbia (Case No. 25–03013) (Mar. 7, 2025)*. It was Congress's response to a growing awareness that governmental agencies were accumulating an ever-expanding stockpile of information about private individuals that was readily susceptible to both misuse and the perpetuation of inaccuracies that the citizen would never know of, let alone have an opportunity to rebut or correct.

The Privacy Act imposes burdens on federal agencies and creates rights for individuals when agencies collect, maintain, use, and disseminate information about an individual. It provides criminal penalties for willful violations of its requirements. Notably, it is also a federal crime for any person to request or obtain any record concerning an individual from an agency under false pretenses.

Courts rightfully have been concerned about the misuse of ever-expanding information that government agencies accumulate about private citizens. Let's consider the personal and confidential information that DOGE has or is attempting to access.

Members of DOGE first gained access to the Treasury Department and its payment systems operated by the Bureau of the Fiscal Service (BFS). These payment systems contain extensive details about individual recipients of federal payments. For any given payee, these details may include: name; social security number; employer identification number, or other agency identification or account number; date and location of birth; physical and/or electronic mailing address; telephone numbers; payment amount; date of issuance; trace number or other payment identification number, such as Treasury check number and symbol; financial institution information, including the routing number of his or her financial institution and the payee's account number at the financial institution; and vendor contract and/or purchase order number.

Next, members of DOGE gained access to the IRS and sought broad access to the most sensitive IRS data systems, which are protected under Section 6103. According to reports, this broad access gave DOGE the ability to "read" the data, and in some cases even were granted "read/write access", to detailed information—including bank accounts, payment balances, Social Security and other personal identification numbers and, in some instances, medical information—on virtually every individual, business, and nonprofit in the country. After multiple media reports and lawsuits on this issue, the President and Treasury Department officials "agreed" to prohibit DOGE from accessing personal taxpayer data.

Despite this agreement, we know that DOGE successfully gained this information another way by accessing personal and confidential worker and taxpayer information at the Department of Health and Human Services (HHS). The HHS holds the National Directory of New Hires (NDNH). The NDNH contains information about every wage earner in the United States and their employers, including wages, employer tax identification numbers, social security numbers, verified dates of birth, addresses, unemployment insurance benefit information, and other information derived from IRS wage forms. By gaining this information, DOGE essentially made an end-run around the confidential taxpayer information protected by the IRS.

It is both unclear and unsettling why DOGE continues to seek access to private and confidential information at agencies across government, behind closed doors, while telling the public something different. No one should be rummaging around in the confidential information of private citizens at any agency where protected information resides. This is especially true for unaccountable and unelected people with no experience in managing or auditing government systems and programs.

The risks are real, Americans' personal data could be leaked, lost, sold, or used to enrich a few. Identity theft is a threat that too many Americans have already experienced. Thus, it is imperative that we receive information requested in this ROI.

The President and Elon Musk should be answering the questions members of Congress and the American people are asking: what data they are harvesting, who is harvesting it, and what do they plan to do with it. Executive oversight is a fundamental responsibility of Congress. Passing this resolution would have helped to ensure transparency in our government. Yet the Majority voted to reject this resolution, allowing the executive branch to hide in the darkness from the American people and from Congress, unchecked as they rifle through the people's data.

For these reasons, we believe our Majority colleagues were wrong to adversely report this ROI to the full House of Representatives.

Sincerely,

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Ranking Member.

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