

116TH CONGRESS  
2D SESSION

# H. R. 7830

To provide protections to Social Security and Supplemental Security Income beneficiaries relating to extra payments due to the COVID-19 pandemic, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Mr. DANNY K. DAVIS of Illinois (for himself, Mr. LARSON of Connecticut, Mr. NEAL, Mr. BEYER, Mr. BLUMENAUER, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. JUDY CHU of California, Mr. EVANS, Mr. GOMEZ, Mr. HIGGINS of New York, Mr. KILDEE, Ms. MOORE, Mrs. MURPHY of Florida, Mr. PANETTA, Mr. PASCRELL, Ms. PORTER, Ms. SÁNCHEZ, Mr. SCHNEIDER, Ms. SEWELL of Alabama, Mr. SUOZZI, Mr. THOMPSON of California, and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide protections to Social Security and Supplemental Security Income beneficiaries relating to extra payments due to the COVID-19 pandemic, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Fairness for Seniors  
3 and People with Disabilities During COVID-19 Act of  
4 2020”.

5 **SEC. 2. SOCIAL SECURITY BENEFICIARY PROTECTIONS RE-**  
6 **GARDING INCORRECT PAYMENTS DURING**  
7 **COVID-19.**

8       (a) NO LIABILITY OR RECOVERY WITH RESPECT TO  
9 CERTAIN INCORRECT PAYMENTS.—

10           (1) IN GENERAL.—Notwithstanding any other  
11 provision of title II, title VIII, title XI, or title XVI  
12 of the Social Security Act, in the case of any pay-  
13 ment under title II, title VIII, or title XVI of such  
14 Act of more than the correct amount for any month  
15 during the period beginning on March 1, 2020, and  
16 ending on December 31, 2020 (other than a pay-  
17 ment described in paragraph (2)), no person, estate,  
18 State, or organization shall be liable for the repay-  
19 ment of the amount of such payment in excess of  
20 the correct amount and the Commissioner of Social  
21 Security shall not seek recovery of benefits under  
22 section 204, 808, 1147, or 1631(b) from any person,  
23 estate, State, or organization.

24           (2) AMOUNTS SUBJECT TO LIABILITY AND RE-  
25 COVERY.—

1 (A) IN GENERAL.—A payment described in  
2 this paragraph is a payment of more than the  
3 correct amount resulting from—

4 (i) a conviction for an offense under  
5 section 208(a), 811, or 1632(a);

6 (ii) a redetermination of the entitle-  
7 ment of an individual to benefits made  
8 under section 205(u) or 1631(e)(7) when  
9 there is reason to believe that an incorrect  
10 or incomplete statement that is material to  
11 determining such entitlement is knowingly  
12 made or that information that is material  
13 to the determination is knowingly con-  
14 cealed; or

15 (iii) a determination that a represent-  
16 ative payee misused benefits made under  
17 section 205(j), 807, or 1631(a)(2).

18 (B) LIMITATION.—For purposes of para-  
19 graph (1), this paragraph shall not apply with  
20 respect to any payment of more than the cor-  
21 rect amount resulting from an offense or deter-  
22 mination that occurred before March 1, 2020.

23 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY

24 UPON REQUEST.—

1           (1) RECOVERY BY ADJUSTMENT OF BENE-  
2       FITS.—

3           (A) IN GENERAL.—Not later than October  
4       31, 2020, the Commissioner of Social Security  
5       shall—

6           (i) notify each covered individual of  
7       the opportunity to request that the adjust-  
8       ment of benefits described in subparagraph  
9       (B) be reduced or suspended during the  
10      period described in subsection (a)(1); and

11          (ii) reduce or suspend (as requested)  
12      such adjustment immediately upon receipt  
13      of the request.

14          (B) COVERED INDIVIDUAL.—In this para-  
15      graph, the term “covered individual” means an  
16      individual with respect to whom the recovery of  
17      any payment under title II, title VIII, or title  
18      XVI of the Social Security Act of more than the  
19      correct amount (other than a payment de-  
20      scribed in subparagraph (A) of paragraph  
21      (a)(2)) is in effect, by adjustment of the indi-  
22      vidual’s monthly benefits or underpayments, for  
23      any month during the period described in sub-  
24      section (a)(1).

1           (2) RECOVERY BY INSTALLMENT AGREE-  
2           MENTS.—Not later than October 31, 2020, the Com-  
3           missioner of Social Security shall notify each party  
4           owing a debt to the Social Security Administration  
5           (other than a debt arising from a payment described  
6           in subparagraph (A) of paragraph (a)(2)) with re-  
7           spect to which an installment agreement is in effect  
8           of the opportunity to request that the installment  
9           payments under such agreement be suspended dur-  
10          ing the period described in subsection (a)(1), and  
11          shall suspend such payments upon request. The  
12          Commissioner shall deem a debt for which such a  
13          suspension has been made to be not delinquent dur-  
14          ing such period.

15          (c) REPORT.—Not later than September 30, 2020,  
16          the Commissioner of Social Security shall submit a report  
17          to the Committee on Ways and Means of the House of  
18          Representatives and the Committee on Finance of the  
19          Senate describing the Commissioner’s activities under this  
20          section, including a planned timeframe for the resumption  
21          of overpayment processing and collection, and any barriers  
22          or obstacles to that timeframe.

23          (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES  
24          OF DETERMINING MEDICAID ELIGIBILITY.—

1           (1) IN GENERAL.—Notwithstanding any provi-  
2           sion of title XVI or title XIX of the Social Security  
3           Act (or section 212(a) of Public Law 93–66), each  
4           individual who receives a covered supplemental pay-  
5           ment for any month during the period described in  
6           subsection (a)(1) and is subsequently determined to  
7           be ineligible for such payment shall be deemed to be  
8           a recipient of supplemental security income benefits  
9           under title XVI or State supplementary benefits of  
10          the type referred to in section 1616(a) of such Act  
11          (or payments of the type described in section 212(a)  
12          of Public Law 93–66), as the case may be, for such  
13          month for purposes of determining the individual’s  
14          eligibility for medical assistance under a State plan  
15          approved under title XIX of the Social Security Act  
16          (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

17          (2) COVERED SUPPLEMENTAL PAYMENT.—For  
18          purposes of this subsection, a covered supplemental  
19          payment is—

20                 (A) a payment of a supplemental security  
21                 income benefit under title XVI of the Social Se-  
22                 curity Act; or

23                 (B) a State supplementary payment of the  
24                 type referred to in section 1616(a) of such title

1 (or a payment of the type described in section  
2 212(a) of Public Law 93–66).

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