

116TH CONGRESS  
2D SESSION

# S. 4830

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 SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 19), 2020

Mr. BROWN (for himself, Mr. CASEY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

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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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Seniors  
5 and People with Disabilities During COVID–19 Act of  
6 2020”.

1 **SEC. 2. SOCIAL SECURITY BENEFICIARY PROTECTIONS RE-**  
2 **GARDING INCORRECT PAYMENTS DURING**  
3 **COVID-19.**

4 (a) NO LIABILITY OR RECOVERY WITH RESPECT TO  
5 CERTAIN INCORRECT PAYMENTS.—

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

20 (2) AMOUNTS SUBJECT TO LIABILITY AND RE-  
21 COVERY.—

22 (A) IN GENERAL.—A payment described in  
23 this paragraph is a payment of more than the  
24 correct amount resulting from—

1 (i) a conviction for an offense under  
2 section 208(a), 811, or 1632(a) of the So-  
3 cial Security Act;

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

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

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

22 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY  
23 UPON REQUEST.—

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

1 (A) IN GENERAL.—Not later than October  
2 31, 2020, the Commissioner of Social Security  
3 shall—

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

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

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

23 (2) RECOVERY BY INSTALLMENT AGREE-  
24 MENTS.—Not later than October 31, 2020, the Com-  
25 missioner of Social Security shall notify each party

1        owing a debt to the Social Security Administration  
2        (other than a debt arising from a payment described  
3        in subparagraph (A) of paragraph (a)(2)) with re-  
4        spect to which an installment agreement is in effect  
5        of the opportunity to request that the installment  
6        payments under such agreement be suspended dur-  
7        ing the period described in subsection (a)(1), and  
8        shall suspend such payments upon request. The  
9        Commissioner shall deem a debt for which such a  
10       suspension has been made to be not delinquent dur-  
11       ing such period.

12       (c) REPORT.—Not later than November 30, 2020,  
13       the Commissioner of Social Security shall submit a report  
14       to the Committee on Finance of the Senate and the Com-  
15       mittee on Ways and Means of the House of Representa-  
16       tives describing the Commissioner’s activities under this  
17       section, including a planned timeframe for the resumption  
18       of overpayment processing and collection, and any barriers  
19       or obstacles to that timeframe.

20       (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES  
21       OF DETERMINING MEDICAID ELIGIBILITY.—

22            (1) IN GENERAL.—Notwithstanding any provi-  
23       sion of title XVI or title XIX of the Social Security  
24       Act (or section 212(a) of Public Law 93–66), each  
25       individual who receives a covered supplemental pay-

1       ment for any month during the period described in  
2       subsection (a)(1) and is subsequently determined to  
3       be ineligible for such payment shall be deemed to be  
4       a recipient of supplemental security income benefits  
5       under title XVI, State supplementary benefits of the  
6       type referred to in section 1616(a) of such Act, or  
7       payments of the type described in section 212(a) of  
8       Public Law 93–66, as the case may be, for such  
9       month for purposes of determining the individual’s  
10      eligibility for medical assistance under a State plan  
11      approved under title XIX of the Social Security Act  
12      (or a waiver of such plan).

13           (2) COVERED SUPPLEMENTAL PAYMENT.—For  
14      purposes of this subsection, a covered supplemental  
15      payment is—

16           (A) a payment of a supplemental security  
17      income benefit under title XVI of the Social Se-  
18      curity Act; or

19           (B) a State supplementary payment of the  
20      type referred to in section 1616(a) of such Act  
21      or a payment of the type described in section  
22      212(a) of Public Law 93–66.

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