



(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. DANNY K. DAVIS of Illinois (for himself, Mr. LARSON of Connecticut, Mr. NEAL, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

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) from any person,
19 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—

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

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

10 (iii) a determination that a represent-
11 ative payee misused benefits made under
12 section 205(j), 807, or 1631(a)(2).

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

18 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY
19 UPON REQUEST.—

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

22 (A) IN GENERAL.—Not later than October
23 31, 2020, the Commissioner of Social Security
24 shall—

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

6 (ii) reduce or suspend (as requested)
7 such adjustment immediately upon receipt
8 of the request.

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

20 (2) RECOVERY BY INSTALLMENT AGREE-
21 MENTS.—Not later than October 31, 2020, the Com-
22 missioner of Social Security shall notify each party
23 owing a debt to the Social Security Administration
24 (other than a debt arising from a payment described
25 in subparagraph (A) of paragraph (a)(2)) with re-

1 spect to which an installment agreement is in effect
2 of the opportunity to request that the installment
3 payments under such agreement be suspended dur-
4 ing the period described in subsection (a)(1), and
5 shall suspend such payments upon request. The
6 Commissioner shall deem a debt for which such a
7 suspension has been made to be not delinquent dur-
8 ing such period.

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

17 (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES
18 OF DETERMINING MEDICAID ELIGIBILITY.—

19 (1) IN GENERAL.—Notwithstanding any provi-
20 sion of title XVI or title XIX of the Social Security
21 Act (or section 212(a) of Public Law 93-66), each
22 individual who receives a covered supplemental pay-
23 ment for any month during the period described in
24 subsection (a)(1) and is subsequently determined to
25 be ineligible for such payment shall be deemed to be

1 a recipient of supplemental security income benefits
2 under title XVI or State supplementary benefits of
3 the type referred to in section 1616(a) of such Act
4 (or payments of the type described in section 212(a)
5 of Public Law 93-66), as the case may be, for such
6 month for purposes of determining the individual's
7 eligibility for medical assistance under a State plan
8 approved under title XIX of the Social Security Act
9 (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

10 (2) COVERED SUPPLEMENTAL PAYMENT.—For
11 purposes of this subsection, a covered supplemental
12 payment is—

13 (A) a payment of a supplemental security
14 income benefit under title XVI of the Social Se-
15 curity Act; or

16 (B) a State supplementary payment of the
17 type referred to in section 1616(a) of such title
18 (or a payment of the type described in section
19 212(a) of Public Law 93-66).