

RICHARD E. NEAL  
MASSACHUSETTS,  
CHAIRMAN

# Congress of the United States

## U.S. House of Representatives

### COMMITTEE ON WAYS AND MEANS

1102 LONGWORTH HOUSE OFFICE BUILDING

(202) 225-3625

Washington, D.C 20515-0348

<http://waysandmeans.house.gov>

KEVIN BRADY  
TEXAS,  
RANKING MEMBER

JOHN LEWIS, GEORGIA  
LLOYD DOGGETT, TEXAS  
MIKE THOMPSON, CALIFORNIA  
JOHN B. LARSON, CONNECTICUT  
EARL BLUMENAUER, OREGON  
RON KIND, WISCONSIN  
BILL PASCRELL JR., NEW JERSEY  
DANNY K. DAVIS, ILLINOIS  
LINDA T. SANCHEZ, CALIFORNIA  
BRIAN HIGGINS, NEW YORK  
TERRI A. SEWELL, ALABAMA  
SUZAN DELBENE, WASHINGTON  
JUDY CHU, CALIFORNIA  
GWEN MOORE, WISCONSIN  
DAN KILDEE, MICHIGAN  
BRENDAN BOYLE, PENNSYLVANIA  
DON BEYER, VIRGINIA  
DWIGHT EVANS, PENNSYLVANIA  
BRAD SCHNEIDER, ILLINOIS  
TOM SUOZZI, NEW YORK  
JIMMY PANETTA, CALIFORNIA  
STEPHANIE MURPHY, FLORIDA  
JIMMY GOMEZ, CALIFORNIA  
STEVEN HORSFORD, NEVADA

DEVIN NUNES, CALIFORNIA  
VERN BUCHANAN, FLORIDA  
ADRIAN SMITH, NEBRASKA  
KENNY MARCHANT, TEXAS  
TOM REED, NEW YORK  
MIKE KELLY, PENNSYLVANIA  
GEORGE HOLDING, NORTH CAROLINA  
JASON SMITH, MISSOURI  
TOM RICE, SOUTH CAROLINA  
DAVID SCHWEIKERT, ARIZONA  
JACKIE WALORSKI, INDIANA  
DARIN LAHOOD, ILLINOIS  
BRAD R. WENSTRUP, OHIO  
JODEY ARRINGTON, TEXAS  
DREW FERGUSON, GEORGIA  
RON ESTES, KANSAS

GARY ANDRES,  
MINORITY STAFF DIRECTOR

BRANDON CASEY,  
MAJORITY STAFF DIRECTOR

June 17, 2020

The Honorable Andrew Saul  
Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Commissioner Saul,

We appreciate the work of the Social Security Administration (SSA) in support of the Department of the Treasury's delivery of the economic impact payments (EIPs) authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to Social Security and Supplemental Security Income (SSI) beneficiaries. We write to urge SSA to send timely information to Social Security and SSI beneficiaries who have representative payees, and to their payees, about the EIPs.

We are alarmed by reports of some nursing homes and assisted living facilities requiring their residents on Medicaid to sign over their EIPs to the facilities and by confusion among representative payees for Social Security and SSI beneficiaries regarding whether EIPs can or should be provided to facilities who demand payment.

Fortunately, after House Ways and Means Committee Chairman Richard E. Neal (D-MA) and House Energy and Commerce Chairman Frank Pallone, Jr. (D-NJ) raised this concern with the Centers for Medicare & Medicaid Services (CMS), the agency issued clear guidance outlining how seizing residents' EIPs is prohibited. CMS is encouraging residents or their family members who were compelled to sign residents' stimulus checks over to a nursing home to file a complaint. The Internal Revenue Service (IRS) has also issued an alert on this issue.

Approximately 4 million adult Social Security and SSI beneficiaries have a representative payee who has been appointed to assist them in managing their benefits. Many of these beneficiaries also receive Medicaid and live in nursing homes or other Medicaid-funded residences. It is vital that these individuals and their payees know about beneficiaries' right to retain their EIP.

Letter to Commissioner Saul

June 17, 2020

Page 2

In addition, it is important that representative payees, and the Social Security and SSI beneficiaries they assist, understand how payees should use beneficiaries' EIPs. As SSA has explained on the agency's COVID-19 web site (<https://www.ssa.gov/coronavirus/>):

The EIP belongs to the Social Security or SSI beneficiary. It is not a Social Security or SSI benefit. A representative payee should discuss the EIP with the beneficiary. If the beneficiary wants to use the EIP independently, the representative payee should provide the EIP to the beneficiary. If the beneficiary asks the representative payee for assistance in using the EIP in a specific manner or saving it, the representative payee can provide that assistance outside the role of a representative payee.

The guidance outlined by SSA and CMS is invaluable, but is currently only available to individuals who seek out and are able to locate the information online.

We urge SSA to proactively share this vital information about the EIPs with Social Security and SSI beneficiaries who have representative payees, and their payees. SSA should send notices by mail and electronically (to individuals with *mySSA* accounts) to inform beneficiaries about their rights to their EIP and to ensure that representative payees understand their responsibilities regarding beneficiaries' EIPs. Under the CARES Act, Congress provided SSA with \$38 million in additional operating funds for the agency's EIP-related work, including for SSA to assist the Treasury with conducting a public awareness campaign about EIPs. As of May 29, 2020, SSA reported that the agency still had \$12 million of these funds unobligated.

With more than 150 million EIPs already delivered, we hope you will agree that SSA should act swiftly to ensure that Social Security and SSI beneficiaries and representative payees receive essential guidance about EIPs as quickly as possible.

Sincerely,



John B. Larson  
Chairman  
Subcommittee on Social Security  
Committee on Ways and Means



Danny K. Davis  
Chairman  
Subcommittee on Worker and Family Support  
Committee on Ways and Means