

**COMMITTEE ON WAYS AND MEANS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515**

December 17, 2020

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

Dear Commissioner Saul,

We are alarmed by reports that seniors, people with disabilities, and survivors have been unable to get relief from being forced to repay extra benefits they were paid due to the COVID-19 pandemic, through no fault of their own. Although the Social Security Administration (SSA) established a temporary, streamlined process for forgiving COVID-19 overpayments in limited circumstances, we are receiving reports that many individuals have been unable to access even this limited relief process.

Moreover, SSA plans to stop identifying payments that qualify for the temporary, streamlined relief at the end of December. Given the current surge in COVID-19 cases, this is unacceptable. With the clock ticking, we urge SSA to immediately extend and expand the streamlined waiver process, providing all beneficiaries with immediate, automatic relief from COVID-19 overpayments. We also request that you provide us with detailed information on SSA's actions and any relief that has been provided, to date.

**Due to the COVID-19 pandemic SSA made extra benefit payments.**

Last March, in response to the COVID-19 crisis SSA prioritized work that fulfills the agency's core mission of providing benefits to children, adults, and seniors who are eligible for Social Security and Supplemental Security Income (SSI). At the same time, SSA suspended processing and collecting overpayments of benefits, where possible. We fully supported these necessary responses by SSA to the COVID-19 pandemic.

SSA's decision to suspend overpayment processing and collection ensured that high-risk seniors, survivors, and people with disabilities continued to receive monthly benefits they needed to cover basic necessities during the pandemic. At the same time, SSA's suspension of overpayment collection meant that, by no fault of their own, some of our most vulnerable constituents unknowingly received extra benefit payments. SSA did not notify beneficiaries that they were being overpaid, and most would have spent their checks immediately.

**SSA’s relief for beneficiaries from COVID-19 overpayments is woefully inadequate.**

At the end of August, SSA resumed overpayment processing and collection. At the same time, SSA issued an Interim Final Rule creating a temporary, streamlined process for beneficiaries to seek forgiveness from being forced to repay extra benefits paid between March 1, 2020 and September 30, 2020 due to the pandemic.<sup>1</sup>

Under the Interim Final Rule, beneficiaries with qualifying COVID-19 overpayments do not have to undergo SSA’s standard waiver process – which requires that individuals complete extensive paperwork and provide supporting documentation about their income and expenses. Instead, under the Interim Final Rule, beneficiaries with qualifying COVID-19 overpayments “...should normally expect to be able to provide the necessary information over the phone while guided by our employees and without doing anything differently in advance of the call.”<sup>2</sup> However, relief from COVID-19 overpayments is not granted automatically: beneficiaries must call their local SSA Field Office to ask for a waiver. In addition, the streamlined relief is only available for overpayments that SSA identifies by December 31, 2020.

**We are alarmed by widespread reports suggesting that only a fraction of beneficiaries have been able to gain relief under SSA’s Interim Final Rule.**

We have received numerous reports of beneficiaries with COVID-19 overpayments who called their local Field Office to ask for a streamlined waiver, only to be told that they must instead undergo SSA’s standard waiver process. We have also received reports that many beneficiaries with COVID-19 overpayments that started before the pandemic have been unable to access the streamlined waiver process. This is contrary to SSA’s policy under the Interim Final Rule, which states that, “... the portion of the overpayment that is attributable to the pandemic period qualifies for the streamlined process.” Even beneficiaries who have the assistance of attorneys skilled at navigating SSA rules and procedures have been unable to obtain the promised relief.

**SSA should provide beneficiaries with automatic relief from COVID-19 overpayments.**

As the pandemic surges across the country, Social Security and SSI beneficiaries are living in crisis, and most have little to no capacity to navigate a complex process for requesting relief. Extra benefits were paid by SSA due to the pandemic and without beneficiaries’ knowledge or involvement. Attempts to recover these COVID-19 overpayments will be particularly harmful to people of color, seniors, people with disabilities, and other beneficiaries who live in or near poverty and rely on SSA benefits to survive. It is unfair and unjust for SSA to allow any hurdles to prevent beneficiaries from accessing relief from these COVID-19 overpayments.

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<sup>1</sup> Interim Final Rule, “Waiver of Recovery of Certain Overpayment Debts Accruing During the COVID-19 Pandemic Period”; 85 Fed. Reg. 52909; effective August 27, 2020.

<sup>2</sup> Ibid.

We urge SSA to immediately provide automatic relief for all beneficiaries with a COVID-19 overpayment, regardless of whether or not they apply for relief. As SSA noted in the Interim Final Rule, the Social Security Act's overpayment requirements, "...are broadly worded and provide us with considerable latitude to determine when it would be appropriate for us to waive recovery of an overpayment debt and to determine the process that we use to waive recovery of overpayment debts." SSA should use this latitude to provide relief proactively and broadly.

In addition, please provide the following information on SSA's implementation of the Interim Final Rule, by month (September, October, November, and December month-to-date) and type of beneficiary (individuals receiving Social Security, SSI, or both):

1. How many requests for waiver relief has SSA received for overpayments that occurred from March 1, 2020 through September 30, 2020 (the period covered by the Interim Final Rule)?
  - a. How many of these requests asked SSA to use the streamlined waiver process under the Interim Final Rule?
  - b. How many of these requests were handled using the streamlined process under the Interim Final Rule, with the only action by the beneficiary being a phone call to the SSA Field Office?
  - c. How many of these requests were handled by requiring the beneficiary to complete a Form 632, "Request For Waiver Of Overpayment Recovery"?
2. Using the streamlined waiver process under the Interim Final Rule:
  - a. How many requests for relief from COVID-19 overpayments has SSA approved?
  - b. How many requests for relief from COVID-19 overpayments has SSA denied?
  - c. How many requests for relief from COVID-19 overpayments are still being determined?
3. Using the streamlined waiver process under the Interim Final Rule, how many waivers has SSA approved for extra benefits paid during the pandemic period, for overpayments that began before March 1, 2020 or continued after September 30, 2020?

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Because SSA plans to stop identifying overpayments that qualify for the streamlined waiver process at the end of this month, please provide this information by no later than Wednesday, December 23, 2020.

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