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## United States Senate

COMMITTEE ON FINANCE  
WASHINGTON, DC 20510-6200

JOSHUA SHEINKMAN, STAFF DIRECTOR  
GREGG RICHARD, REPUBLICAN STAFF DIRECTOR

October 18, 2023

Dr. Kilolo Kijakazi  
Acting commissioner  
Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Acting Commissioner Kijakazi:

We write to request additional information regarding the scope and magnitude of Supplemental Security Income (SSI) beneficiaries who had their benefits suspended and were assessed an overpayment due to receiving Economic Impact Payments (EIPs).

As you know, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Consolidated Appropriations Act of 2021, and the American Rescue Plan Act of 2021 (ARPA) provided historic financial relief to millions of Americans who lost their jobs or were unable to work due to the global pandemic through three stimulus payments, also known as Economic Impact Payments (EIPs). The stimulus payments provided critical support so Americans could pay their rent or mortgage, purchase groceries, cover utilities, and other essential expenses.

Between April 2020 and July 2021, these payments were disregarded as income for SSI recipients, and as countable resources for 12 months. In August 2021, SSA reversed its ruling and determined that EIPs would not be counted toward eligibility and payment amount for SSI purposes indefinitely. However, we were informed by advocates that SSA had suspended benefits and assessed overpayments to individuals receiving SSI benefits because of the stimulus payments. Senator Wyden raised this concern with SSA in two separate hearings in 2021, and the agency responded saying that they had updated its policy guidance for SSA staff.<sup>1</sup> However, we are concerned by recent reporting<sup>2</sup> that SSI beneficiaries have received overpayment notices because of the EIPs, even though SSA determined that EIPs would never be counted toward eligibility for SSI.

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<sup>1</sup> U.S. Senate Committee on Finance Hearing on Social Security During COVID: How the Pandemic Hampered Access to Benefits and Strategies for Improving Service Delivery, S. Hrg. 117-421 (Apr. 27, 2021), 50; Hearing on Policy Options for Improving SSI, S. Hrg. 117-690 (Sept. 21, 2021), 44.

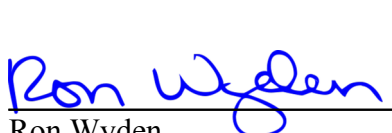
<sup>2</sup> David Hilzenrath and Jodie Flesicher, "Covid Relief Payments Triggered Feds to Demand Money Back from Social Security Recipients," KFF Health News (Oct. 18, 2023), accessible at <https://kffhealthnews.org/news/article/social-security-overpayments-congress-hearing/>.

We are deeply concerned that beneficiaries are receiving overpayment notices in error, because SSA is not following its own determination to exclude EIPs from countable resources. As you know, SSI benefits, while modest, have a substantial impact in the lives of the people who rely on them. Benefit suspensions and overpayment notices—regardless of the cause—can have a profound negative impact in their lives. Further, losing SSI eligibility risks a lengthy bureaucratic process to restore eligibility and also risks beneficiaries’ access to Medicaid coverage.

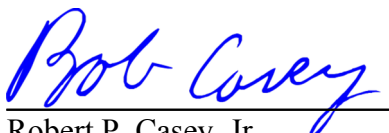
To understand the scope and magnitude of beneficiaries affected, and the actions SSA has taken to resolve such suspensions and overpayments, please provide, no later than 30 days from receipt of this letter:

1. The number of individuals who had their benefits reduced or suspended because of the EIPs during the following periods:
  - a. March 2020 to July 2021;
  - b. August 2021 to December 2022; and
  - c. January 2023 to September 2023.
2. Of those individuals identified in Question 1:
  - a. The number of individuals whose benefits were reinstated without an appeals hearing.
  - b. The number of individuals whose benefits were reinstated due to an appeals hearing.
  - c. The number of individuals whose appeals are pending.
  - d. The number of individuals whose appeals were denied.
3. A list of the agency’s past and ongoing actions to address people who received overpayment notices resulting from EIPs?
4. The number of claimants who were denied SSI benefits because of the EIPs.
5. Whether SSA has required each beneficiary impacted to file an appeal.

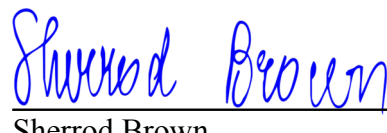
Sincerely,



Ron Wyden  
United States Senator  
Chairman, Committee on  
Finance



Robert P. Casey, Jr.  
United States Senator  
Chairman, Special Committee  
on Aging



Sherrod Brown  
United States Senator