



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

December 1, 2020

Dear Senator:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Social Security Task Force write in response to proposals to use changes to the minimum Social Security withholding to pay for other improvements to the Social Security program. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

We understand that a legislative proposal we opposed from the President's FY21¹ and FY18² budget to change the minimum withholding amount for overpayments is currently being considered as a payfor for other legislation. **We oppose this proposal because it would harm some of the lowest income Social Security beneficiaries.**

Social Security beneficiaries can be overpaid for any number of reasons: even if they report all changes to their income promptly to SSA, it can take the agency several months to act on the report and an overpayment can result. SSA collects overpayments by withholding 100% of Social Security benefits until they are paid off; if the beneficiary requests a different rate, it is generally granted if the overpayment will be paid off within 36 months. However, in situations where the beneficiary has less than \$3000 in assets and has monthly living expenses that meet or exceed household income, or in situations where the beneficiary qualifies for a 100% Part D subsidy (this usually involves being under 135% of the federal poverty level), SSA is allowed to extend the repayment period beyond 36 months and accept payments as low as \$10 per month.

The proposal detailed in the President's budget would change the minimum payment required from \$10 to 10% of the Social Security benefit. For someone receiving \$1200 a month in SSDI (a total annual income of \$14,400), this proposal would require them to repay \$110 more per month to SSA, even if the overpayment was purely because of SSA's errors or delays. Having \$1080 a month to live on instead of \$1190 could affect a person's ability to pay rent and

¹ Social Security Administration, FY 2021 Congressional Justification 20 (2020), <https://www.ssa.gov/budget/FY21Files/2021BO.pdf>.

² President's FY 2019 Budget: Devastating Cuts to Social Security (2018), <http://www.c-c-d.org/fichiers/CCDSSTF-Trump-Budget-FactSheet.pdf>.

utilities, buy food, travel to doctors' appointments, or afford medication copays. A GAO study of overpayments for Disability Insurance beneficiaries found that the average benefit for DI beneficiaries before withholding was \$974.³ The same study found that two-thirds of beneficiaries have less than 10 percent of their benefits withheld, meaning this will be a major change for most beneficiaries experiencing overpayments. Social Security already allows the entirety of a beneficiary's payment to be withheld to repay an overpayment—this change only increases the amount that can be withheld from low-income beneficiaries.

Many low-income Social Security beneficiaries may also receive Supplemental Security Income (SSI). In SSI, there is a maximum cap of 10% for allowed withholding, not a minimum, which provides more protection for beneficiaries. While SSI is a means-tested program and, by definition, those eligible are in financial distress, the current standard for Social Security beneficiaries already harsher since their entire payment may be withheld if they do not demonstrate financial need. For these reasons, the undersigned members of the CCD Social Security Task Force urge Senators to reject this proposal.

Sincerely,

American Association on Health and Disability
American Association on Intellectual and Developmental Disabilities (AAIDD)
Autistic Self Advocacy Network
Center for Public Representation
Easterseals
Justice in Aging
National Alliance on Mental Illness
National Association of Disability Representatives
National Committee to Preserve Social Security and Medicare
National Council on Independent Living
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Organization of Social Security Claimants' Representatives
Paralyzed Veterans of America
Special Needs Alliance
The Arc of the United States
United Spinal Association
US International Council on Disabilities

³ Government Accountability Office, Disability Insurance: SSA Needs to Better Track Efforts and Evaluate Options to Recover Debt and Deter Potential Fraud (2016), <https://www.gao.gov/assets/680/676530.pdf>.