

Economic Security Priorities for the New Administration and Congress

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About Justice in Aging

Justice in Aging is a national nonprofit organization that uses the power of law to fight senior poverty by securing access to affordable health care and economic security for older adults with limited resources. We focus our efforts on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, people with disabilities, and people with limited English proficiency. We are committed to advocacy to address the long-standing, pervasive, ongoing, systemic racism that infects our culture, government, and systems of power.

To ensure the economic security of low-income older adults, one of the top priorities of the Biden Administration and the 117th Congress must be the protection and expansion of the Social Security program, including Social Security retirement and survivors benefits, Disability Insurance, and Supplemental Security Income. These are critical programs for older adults, people with disabilities, and their families. With 64 million people receiving Social Security, including over 21 million people lifted out of poverty, these programs must be strengthened and improved.

Administrative Priorities

The Social Security Administration (SSA) plays a critical role in ensuring that all eligible beneficiaries receive their benefits without undue delay, unnecessary barriers, or discrimination. The agency is also responsible for providing important services and information to the public to assist people who may need help understanding or accessing their benefits. Our administrative priorities advance the needs of low-income older adults who depend on Social Security retirement and survivors benefits, Disability Insurance, and Supplemental Security Income to maintain their economic security.

Rescind, Withdraw, or Halt Harmful SSA Regulations

SSA has issued or proposed several regulations that make it harder for older adults and people with disabilities to continue receiving benefits for which they are eligible. The harmful rules that have been finalized should be rescinded as soon as possible, and the proposed rules should be withdrawn immediately. Some of these rules are included below.

- “Removing Inability To Communicate in English as an Education Category,” [85 FR 10586](#) (February 25, 2020) (Final Rule effective April 27, 2020)

- “Revisions to Rules Regarding the Evaluation of Medical Evidence,” [82 FR 5844](#) (January 18, 2017) (Final Rule effective March 27, 2017)
- “Rules Regarding the Frequency and Notice of Continuing Disability Reviews,” [RIN: 0960-AI27](#) (Final Rule Stage)
- “Hearings Held by Administrative Appeals Judges of the Appeals Council,” [RIN 0960-AI25](#) (Final Rule Stage)
- “Minimum Monthly Withholding Amount for Recovery of Title II Benefit Overpayments,” [RIN 0960-AH42](#) (Proposed Rule)
- “Use of Electronic Payroll Data To Improve Program Administration,” [RIN: 0960-AH88](#) (Proposed Rule)
- “Revising Evaluation of Vocational Factors in the Disability Determination Process,” RIN: [0960-AI40](#) (Proposed Rule)

Improve the Response to the COVID-19 Pandemic

COVID-19 has created significant difficulties for those trying to access benefits and services from SSA. The pandemic has temporarily closed all field offices, and has led to a significant decrease in the number of applications for SSI, especially among older adults and people whose primary language is not English. In order to address these challenges, SSA must:

- Work more proactively to engage with, and serve, claimants and beneficiaries, including through implementation of the recommendations on outreach and equity below.
- Create more opportunities for individuals to set up “dire need” appointments in person to resolve issues that cannot be addressed remotely.
- Revise the agency’s current overpayment waiver process to allow for *automatic* waiver of all COVID-related overpayments, and extend the “Pandemic Period” beyond September 30, 2020 (see The Fairness for Seniors and People with Disabilities During COVID-19 Act of 2020 ([H.R. 7830/S. 4830](#))).

Expand Outreach and Ensure Equity for Current and Potential Beneficiaries

Communication between SSA and the public is critical for beneficiaries who need information and assistance to obtain and maintain benefits for which they are eligible. Without this communication and engagement from SSA, people may lose benefits for which they are eligible, or never even realize they should apply. SSA must provide meaningful access to their services, taking into consideration the challenges and limits faced by various communities, including low-income older adults, communities of color, people with limited English proficiency, and people with disabilities. They must also respond to the barriers to service created by the COVID-19 pandemic. To ensure that low-income older adults and others get the services and support they need to access their benefits, SSA should:

- Research which communities are having difficulty communicating with SSA, and develop a comprehensive strategy to improve outreach and engagement for those people, including collaboration with local service providers.
- Collect and report on race and ethnicity data for claimants and beneficiaries to identify and address any existing disparities.

- Mail information about SSI to low-income Social Security beneficiaries to make them aware of their potential eligibility and assist them in filing an application.
- Simplify the SSI application so that it is easier for more people to complete.
- Allow SSI applications to be submitted online.
- Develop new or alternative ways for the agency to verify important documents so that people are not required to mail in original documents they need, such as drivers' licenses, or travel to field offices to provide them in person.

Legislative Priorities

The Biden administration and Congress must take up Social Security and SSI as top legislative priorities to both expand and protect these vital programs. Social Security and SSI provide needed income to many people who might otherwise face economic insecurity or extreme poverty. These programs are also especially important to low-income older adults, including people of color, women, LGBTQ individuals, and people with disabilities, among others.

Support the modernization of the Supplemental Security Income (SSI) program through the SSI Restoration Act (H.R. 4280/S. 2753) or similar legislation.

The Supplemental Security Income program provides a basic income to older adults and people with disabilities who are unable to work to meet their needs. The program is in desperate need of updating, and proposals such as the SSI Restoration Act would modernize the program and remove barriers that prevent low-income people who should be eligible from getting the support they need. We urge the Biden Administration and Congress to make the following changes to the SSI program:

- Increase federal SSI benefits to 100% of the federal poverty level.
- Repeal the marriage penalty so that the SSI rate for a couple is twice the individual rate.
- Increase the resource limit to \$10,000 for an individual and \$20,000 for a couple.
- Increase the general income disregard from \$20 to \$123 per month so that people can keep more of their other sources of income.
- Increase the earned income exclusion from \$65 to \$399 per month.
- Eliminate in-kind support and maintenance to allow SSI recipients to use their benefits to cover more of their basic costs and reduce the administrative burden on SSA.
- Repeal the transfer penalty that withholds benefits for up to 36 months from SSI recipients who give away a resource for less than fair market value.
- Extend SSI to residents of Puerto Rico, US Virgin Islands, Guam, and American Samoa.
- Eliminate time limits on SSI eligibility for refugees, asylees, and other humanitarian immigrants.
- Restore pre-1996 standards for SSI immigrant eligibility.

Expand Social Security so that it better protects low- and middle-income older adults, people with disabilities, and their families from economic insecurity.

- Increase the minimum benefit level for low-income beneficiaries to 125% of the federal poverty level.
- Make the Social Security trust funds solvent by enacting legislation such as the Social Security 2100 Act to increase trust fund revenue while also providing income for beneficiaries.
- End garnishment of Social Security benefits, including garnishment of benefits to pay federal student loan debt.
- Eliminate the five-month waiting period for SSDI benefits and the two-year waiting period for Medicare benefits through legislation such as the [Stop the Wait Act](#) (S. 2496/H.R. 4386).
- Create caregiver credits that would be included in the calculation of Social Security benefits when an individual takes time off to care for a family member.
- Oppose any proposals to cut Social Security or SSI benefits, or narrow eligibility, which may be presented as ways to make the Social Security Trust Funds solvent. Do not raise the retirement age or otherwise decrease benefits.

Increase Funding to the Social Security Administration

SSA provides critical services to claimants and beneficiaries to ensure that they can get the benefits to which they are entitled. However, SSA has suffered from underinvestment for many years, with the agency budget falling 12 percent in inflation-adjusted terms from 2010 to 2020, despite an increase in Social Security beneficiaries of 21 percent.

- Increase funding to SSA's budget to allow the agency to meet the needs of claimants and beneficiaries.
- Support legislation that would allow SSA to use its dedicated revenue for administration so that it does not have to compete with other federal agencies for funding through the appropriations process.