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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title II of the Social Security Act to place limitations on recovery
of overpayments.

IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS of Louisiana introduced the following bill; which was referred
to the Committee on _____

A BILL

To amend title II of the Social Security Act to place
limitations on recovery of overpayments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Elders
5 From Government Error Act”.

6 **SEC. 2. LIMITATIONS ON RECOVERY OF OVERPAYMENTS.**

7 (a) TIME PERIOD FOR RECOVERY OF OLD-AGE BEN-
8 EFITS.—Section 204(a)(1)(A) of the Social Security Act
9 (42 U.S.C. 404(a)(1)(A)) is amended—

1 (1) by striking “With respect” and inserting
2 “(i) With respect”; and

3 (2) by adding at the end the following:

4 “(ii) In any case in which the Commissioner
5 finds that more than the correct amount of payment
6 has been made to a person, recovery from the person
7 may not be made if—

8 “(I) the overpayment is related to an old-
9 age insurance benefit to which such person is
10 entitled under section 202(a);

11 “(II) the overpayment occurred more than
12 6 months before the date of the finding; and

13 “(III) the overpayment was a result of
14 error on the part of the Commissioner.”.

15 (b) WITHHOLDING FOR RECOVERY OF OVERPAY-
16 MENTS.—Section 204(a)(1)(A) of the Social Security Act
17 (42 U.S.C. 404(a)(1)(A)), as amended, is further amend-
18 ed by inserting after clause (ii) the following:

19 “(iii) In any case in which the Commissioner
20 finds that more than the correct amount of payment
21 has been made to a person, the Commissioner may
22 not decrease the amount of a monthly benefit pay-
23 able to the person by more than 5 percent of the
24 amount payable if—

1 “(I) the overpayment is related to an old-
2 age insurance benefit to which such person is
3 entitled under section 202(a); and

4 “(II) the overpayment was a result of error
5 on the part of the Commissioner.”.

6 (c) INAPPLICABILITY IN CASE OF FRAUD.—Section
7 204(a)(1)(A) of the Social Security Act (42 U.S.C.
8 404(a)(1)(A)), as amended, is further amended by insert-
9 ing after clause (iii) the following:

10 “(iv) Clauses (ii) and (iii) shall not apply with
11 respect to a payment made to a person if the Com-
12 missioner determines that the person has ever com-
13 mitted fraud or similar fault with respect to the pro-
14 gram under this title.”.

15 (d) CONFORMING AMENDMENT.—Section 204(a)(2)
16 of such Act (42 U.S.C. 404(a)(2)) is amended by striking
17 “Notwithstanding” and inserting “Subject to clauses (ii),
18 (iii), and (iv) of paragraph (1)(A), but notwithstanding”.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this Act shall take effect on the date of enactment of this
21 Act, and shall be effective with respect to overpayments
22 under title II of the Social Security Act that are out-
23 standing on or after such date.