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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Social Security Act to place limitations on recovery of overpayments under titles II and XVI.

IN THE HOUSE OF REPRESENTATIVES

Mr. CAREY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Social Security Act to place limitations on recovery of overpayments under titles II and XVI.

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 Americans
5 from Social Security Clawbacks Act”.

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

7 (a) TITLE II AMENDMENT.—

1 (1) IN GENERAL.—Section 204(a)(1)(A) of the
2 Social Security Act (42 U.S.C. 404(a)(1)(A)) is
3 amended—

4 (A) by striking “With respect” and insert-
5 ing “(i) With respect”; and

6 (B) by adding at the end the following:

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

11 “(I) the overpayment occurred more than
12 3 years before the date of the finding; and

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

15 “(iii) Clause (ii) shall not apply to a person if
16 the Commissioner determines that the person has
17 ever committed fraud or similar fault with respect to
18 the program under this title.”.

19 (2) CONFORMING AMENDMENT.—Section
20 204(a)(2) of such Act (42 U.S.C. 404(a)(2)) is
21 amended by striking “Notwithstanding” and insert-
22 ing “Subject to clauses (ii) and (iii) of paragraph
23 (1)(A), but notwithstanding”.

24 (b) TITLE XVI AMENDMENTS.—

1 (1) IN GENERAL.—Section 1631(b)(1) of such
2 Act (42 U.S.C. 1383(b)(1)) is amended by adding at
3 the end the following:

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

8 “(I) the overpayment occurred more than 3
9 years before the date of the finding; and

10 “(II) the overpayment was a result of error on
11 the part of the Commissioner.

12 “(ii) Clause (i) shall not apply to a person if the Com-
13 missioner determines that the person has ever committed
14 fraud or similar fault with respect to the program under
15 this title.”.

16 (2) CONFORMING AMENDMENT.—Section
17 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is
18 amended by striking “Notwithstanding” and insert-
19 ing “Subject to paragraph (1)(C), but notwith-
20 standing”.