

118TH CONGRESS 2D SESSION

H. R. 8265

To amend the Social Security Act to require a 120-day period between notice of an overpayment of benefits under titles II and XVI and beginning recovery of such overpayment, and to require the Commissioner of Social Security to submit a report to Congress on a strategy related to recovery of such overpayments.

IN THE HOUSE OF REPRESENTATIVES

May 7, 2024

Ms. Caraveo (for herself and Mr. Allred) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Social Security Act to require a 120-day period between notice of an overpayment of benefits under titles II and XVI and beginning recovery of such overpayment, and to require the Commissioner of Social Security to submit a report to Congress on a strategy related to recovery of such 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 "Social Security Over-
- 5 payment Fairness Act".

SEC. 2. NOTICE REQUIREMENT.

- 2 (a) Title II Amendment.—Subparagraph (A) of
- 3 section 204(a)(1) of the Social Security Act (42 U.S.C.
- 4 404) is amended—
- 5 (1) by striking "With respect" and inserting
- 6 "(i) With respect"; and
- 7 (2) by adding at the end the following:
- 8 "(ii) In the case of a payment to a person of
- 9 more than the correct amount, the Commissioner
- shall commence proper adjustment or recovery not
- earlier than 120 days after providing notice to the
- individual of the payment of more than the correct
- amount.".
- 14 (b) TITLE XVI AMENDMENT.—Section 1631(b)(1) of
- 15 such Act (42 U.S.C. 1383(b)(1)) is amended by adding
- 16 at the end the following:
- 17 "(C) In the case of a payment of more than the cor-
- 18 rect amount of benefits, the Commissioner shall commence
- 19 proper adjustment or recovery not earlier than 120 days
- 20 after providing notice to the individual of the payment of
- 21 more than the correct amount.".
- (c) Effective Date.—The amendments made by
- 23 this Act shall take effect on the date of enactment of this
- 24 Act, and shall be effective with respect to overpayments
- 25 under titles II and XVI of the Social Security Act that
- 26 are outstanding on or after such date.

SEC. 3. REPORT ON STRATEGIES FOR OVERPAYMENT RE-2 COVERY. 3 Not later than 180 days after the date of enactment of this Act, the Commissioner of Social Security shall sub-4 5 mit to Congress a strategy relating to the recovery of overpayments of old-age, survivors, and disability insurance 6 benefits under title II of the Social Security Act and supplemental security income benefits under title XVI of such Act. The strategy shall seek to achieve the objectives that 10 follow: 11 (1) Improving the process of reviewing changes 12 in information reported by beneficiaries; 13 (2) Expanding efforts to limit discrepancies in 14 accuracy resulting from beneficiaries self-reporting 15 information; 16 (3) Improving efforts to prevent and track over-17 payments to beneficiaries. 18 (4) Ensuring due process is followed in recov-19 ering overpayments. 20 (5) Improving and increasing written and oral 21 communication between the Social Security Adminis-22 tration and beneficiaries in relation to the recovery

of overpayments.

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1 (6) Propose fair and reasonable benefit with-2 holding amounts designed to avoid undue financial 3 strain on beneficiaries.

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