

114TH CONGRESS
1ST SESSION

S. 204

To reinstate the 10-year statute of limitations period applicable to collection of amounts paid to Social Security beneficiaries by administrative offset, and prevent recovery of overpayments from individuals under 18 years of age.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2015

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To reinstate the 10-year statute of limitations period applicable to collection of amounts paid to Social Security beneficiaries by administrative offset, and prevent recovery of overpayments from individuals under 18 years of age.

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 “Stop Punishing Inno-
5 cent Americans Act”.

1 **SEC. 2. STATUTE OF LIMITATION ON RECOVERY BY ADMIN-**
2 **ISTRATIVE OFFSET FOR AMOUNTS PAID TO**
3 **SOCIAL SECURITY BENEFICIARIES.**

4 (a) IN GENERAL.—Paragraph (2) of section 3716(e)
5 of title 31, United States Code, is amended to read as
6 follows:

7 “(2) This section does not apply—

8 “(A) to a claim under this subchapter relating
9 to any payments made to an individual under title
10 II or title XVI of the Social Security Act that has
11 been outstanding for more than 10 years; or

12 “(B) when a statute explicitly prohibits using
13 administrative offset or setoff to collect the claim or
14 type of claim involved.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply to any debt outstanding on or
17 after the date of the enactment of this Act.

18 **SEC. 3. ELIMINATION OF RECOVERY OF OVERPAYMENTS**
19 **MADE TO OR ON BEHALF OF MINOR.**

20 (a) IN GENERAL.—Section 204(a) of the Social Secu-
21 rity Act (42 U.S.C. 404(a)) is amended by adding at the
22 end the following new paragraph:

23 “(3) Notwithstanding any other provision of this sec-
24 tion, in the case of any payment under this title or title
25 XVI of more than the correct amount that is made to or
26 on behalf of an individual who has not attained 18 years

1 of age at the time of such payment, such individual shall
2 not be liable for the repayment of the amount of such pay-
3 ment in excess of the correct amount.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) CROSS-PROGRAM RECOVERY OF OVERPAY-
6 MENTS.—Subsection (a) of the undesignated section
7 following section 1146 of the Social Security Act (42
8 U.S.C. 1320b–17) is amended by striking “Subject
9 to subsection (b)” and inserting “Subject to section
10 204(a)(3) and subsection (b)”.

11 (2) OVERPAYMENT OF DISABILITY BENEFITS.—
12 Section 1631(b)(1)(A) of the Social Security Act (42
13 U.S.C. 1383(b)(1)(A)) is amended by striking
14 “Whenever” and inserting “Subject to section
15 204(a)(3), whenever”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to payments made on or after the
18 date of the enactment of this Act.

19 **SEC. 4. PROHIBITING TAX REFUND OFFSET OF SOCIAL SE-**
20 **CURITY OVERPAYMENTS MADE TO OR ON BE-**
21 **HALF OF MINOR.**

22 (a) IN GENERAL.—Section 6402(d) of the Internal
23 Revenue Code of 1986 is amended by adding at the end
24 the following new paragraph:

1 “(4) SPECIAL RULE FOR CERTAIN OVERPAY-
2 MENTS MADE TO OR ON BEHALF OF MINOR.—Para-
3 graph (1) shall not apply in the case of a payment
4 under title II or XVI of the of Social Security Act
5 of more than the correct amount that is made to or
6 on behalf of an individual who has not attained 18
7 years of age at the time of such payment.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to payments made under title II
10 or XVI of the of Social Security Act on or after the date
11 of the enactment of this Act.

○