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119TH CONGRESS
2D SESSION

# H. R. 10243

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2026

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

# A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Protecting Elders From Government Error Act".

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

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

(1) by striking "With respect" and inserting "(i) With respect"; and

(2) by adding at the end the following:

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

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

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

"(III) the overpayment was a result of error on the part of the Commissioner.".

(b) WITHHOLDING FOR RECOVERY OF OVERPAYMENTS.—Section 204(a)(1)(A) of the Social Security Act (42 U.S.C. 404(a)(1)(A)), as amended, is further amended by inserting after clause (ii) the following:

"(iii) In any case in which the Commissioner finds that more than the correct amount of payment has been made to a person, the Commissioner may not decrease the amount of a monthly benefit payable to the person by more than 5 percent of the amount payable if—

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

"(II) the overpayment was a result of error on the part of the Commissioner.".

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

"(iv) Clauses (ii) and (iii) shall not apply with respect to a payment made to a person if the Commissioner determines that the person has ever committed fraud or similar fault with respect to the program under this title.".

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

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

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