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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

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 “No Social Security
5 Benefits for Prisoners Act of 2009”.

1 **SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE**
2 **XVI PAYMENTS TO PRISONERS, FUGITIVE**
3 **FELONS, AND PROBATION OR PAROLE VIOLA-**
4 **TORS.**

5 (a) AMENDMENTS TO TITLE II.—Section
6 204(a)(1)(B) of the Social Security Act (42 U.S.C.
7 404(a)(1)(B)) is amended—

8 (1) by striking “(B) With” and inserting
9 “(B)(i) Subject to clause (ii), with”; and

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

11 “(ii) No payment shall be made under this sub-
12 paragraph to any person during any period for
13 which monthly insurance benefits of such person—

14 “(I) are subject to nonpayment by reason
15 of section 202(x)(1), or

16 “(II) in the case of a person whose month-
17 ly insurance benefits have terminated for a rea-
18 son other than death, would be subject to non-
19 payment by reason of section 202(x)(1) but for
20 the termination of such benefits,

21 until section 202(x)(1) no longer applies, or would
22 no longer apply in the case of benefits that have ter-
23 minated.

24 “(iii) Nothing in clause (ii) shall be construed
25 to limit the Commissioner’s authority to withhold
26 amounts, make adjustments, or recover amounts due

1 under this title, title VIII or title XVI that would be
2 deducted from a payment that would otherwise be
3 payable to such person but for such clause.”.

4 (b) AMENDMENTS TO TITLE XVI.—Section 1631(b)
5 of such Act (42 U.S.C. 1383(b)) is amended by adding
6 at the end the following new paragraph:

7 “(7)(A) In the case of payment of less than the cor-
8 rect amount of benefits to or on behalf of any individual,
9 no payment shall be made to such individual pursuant to
10 this subsection during any period for which such indi-
11 vidual—

12 “(i) is not an eligible individual or eligible
13 spouse under section 1611(e)(1) because such indi-
14 vidual is an inmate of a public institution that is a
15 jail, prison, or other penal institution or correctional
16 facility the purpose of which is to confine individuals
17 as described in clause (ii) or (iii) of section
18 202(x)(1)(A), or

19 “(ii) is not an eligible individual or eligible
20 spouse under section 1611(e)(4),
21 until such person is no longer considered an ineligible indi-
22 vidual or ineligible spouse under section 1611(e)(1) or
23 1611(e)(4).

24 “(B) Nothing in subparagraph (A) shall be construed
25 to limit the Commissioner’s authority to withhold

1 amounts, make adjustments, or recover amounts due
2 under this title, title II, or title VIII that would be de-
3 ducted from a payment that would otherwise be payable
4 to such individual but for such subparagraph.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall be effective for payments that would oth-
7 erwise be made on or after the date of the enactment of
8 this Act.