

118TH CONGRESS
1ST SESSION

S. 2804

To restore protections for Social Security, Railroad retirement, and Black Lung benefits from administrative offset.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

Mr. WYDEN (for himself, Mr. WHITEHOUSE, Mr. CASEY, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. BROWN, Mr. SANDERS, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To restore protections for Social Security, Railroad retirement, and Black Lung benefits from administrative offset.

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 “Protection of Social
5 Security Benefits Restoration Act”.

1 **SEC. 2. PROTECTING SOCIAL SECURITY, RAILROAD RE-**
2 **TIREMENT, AND BLACK LUNG BENEFITS**
3 **FROM ADMINISTRATIVE OFFSET.**

4 (a) PROHIBITION ON ADMINISTRATIVE OFFSET AU-
5 THORITY.—

6 (1) ASSIGNMENT UNDER SOCIAL SECURITY
7 ACT.—Section 207 of the Social Security Act (42
8 U.S.C. 407) is amended by adding at the end the
9 following new subsection:

10 “(d) Subparagraphs (A), (C), and (D) of section
11 3716(c)(3) of title 31, United States Code, as such sub-
12 paragraphs were in effect on the date before the date of
13 enactment of the Protection of Social Security Benefits
14 Restoration Act, shall be null and void and of no effect.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 14(a) of the Railroad Retire-
17 ment Act of 1974 (45 U.S.C. 231m(a)) is
18 amended by adding at the end the following: “.
19 The provisions of section 207(d) of the Social
20 Security Act shall apply with respect to this
21 title to the same extent as they apply in the
22 case of title II of such Act.”.

23 (B) Section 2(e) of the Railroad Unem-
24 ployment Insurance Act (45 U.S.C. 352(e)) is
25 amended by adding at the end the following:
26 “The provisions of section 207(d) of the Social

1 Security Act shall apply with respect to this
2 title to the same extent as they apply in the
3 case of title II of such Act.”

4 (b) REPEAL OF ADMINISTRATIVE OFFSET AUTHOR-
5 ITY.—

6 (1) IN GENERAL.—Paragraph (3) of section
7 3716(e) of title 31, United States Code, is amend-
8 ed—

9 (A) by striking “(3)(A)(i) Notwith-
10 standing” and all that follows through “any
11 overpayment under such program.”;

12 (B) by striking subparagraphs (C) and
13 (D); and

14 (C) by redesignating subparagraph (B) as
15 paragraph (3).

16 (2) CONFORMING AMENDMENT.—Paragraph (5)
17 of such section is amended by striking “the Commis-
18 sioner of Social Security and”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to any collection by administrative
21 offset occurring on or after the date of enactment of this
22 Act of a claim arising before, on, or after the date of en-
23 actment of this Act.

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