

CUFF ACT

What would the CUFF Act do?

The “Control Unlawful Fugitive Felons Act of 2015” or CUFF Act (H.R. 2504, S. 1758) would prohibit the payment of Social Security, Supplemental Security Income (SSI) or Special Veterans Benefits (SVB) to people who are the subject of an arrest warrant for a felony or for an alleged violation of probation or parole. This would revive an old policy that existed prior to resolution of litigation in *Martinez v. Astrue* and *Clark v. Astrue*.

What would it *not* do?

It would not help law enforcement secure the arrest of people they are seeking for serious crimes. Law enforcement is already notified of the whereabouts of every person with a warrant for a felony or an alleged violation of probation or parole who turns up in the Social Security Administration (SSA) databases. This aspect of the statute was never challenged by plaintiffs in *Martinez* and *Clark* and SSA still has the authority to report this information to law enforcement.

Why it is bad policy and who it impacts

- Hundreds of thousands of people would lose Social Security Old Age or Disability Insurance benefits or SSI benefits.
- Those most likely to lose benefits are generally those most in need.
- A significant number of people will become homeless when they lose their benefits.
- Some people have had benefits cut off while residing in nursing homes.
- A very high percentage of those who will lose their benefits are people with intellectual disabilities or mental illness. A majority of those affected who are receiving benefits based on disability fall into these categories.
- Our experience is that an unusually high percentage of those who lose benefits are African-Americans.
- Many will lose Medicare outpatient (Part B) coverage because of inability to pay the quarterly premium.
- Large numbers of those who will lose benefits had warrants routinely issued when they were unable to pay a fine or court fee or probation supervision fee. Eliminating what may be their only source of income does not help resolve these issues.
- Many people never know that a warrant has been issued for them as warrants are often not served on the individual.
- These warrants are often not easily resolved since many of those who lose benefits live far from the issuing jurisdiction.
- SSA will have increased administrative costs for processing appeals and requests for waiver of recovery of overpayments.