

POLITIFACT

Fact-check: Will prisoners also receive \$1,400 stimulus checks?

By Jon Greenberg, PolitiFact.com

Published 11:54 a.m. CT March 10, 2021

Tom Cotton: "Senate Democrats just voted to give stimulus checks to criminals in prison."

PolitiFact's ruling: Mostly True

Here's why: In the long hours of debate before Senate Democrats passed their sweeping COVID-19 relief package, Republicans offered amendments designed to put Democrats on record on very particular policy points.

Sen. Tom Cotton, R-Ark., and Bill Cassidy, R-La., put forward one that would prevent \$1,400 stimulus checks from going to prisoners. The amendment failed on a party-line vote.

Cotton tweeted that this was another example of spending tucked in the bill that had nothing to do with pandemic.

"Senate Democrats just voted to give stimulus checks to criminals in prison," he tweeted March 6. "They haven't lost their jobs, they aren't worried about paying rent or buying groceries."

Cotton repeated his point March 8 on Fox News, saying "every single Democrat" wanted to send checks to prisoners — invoking Boston Marathon bomber Dzhokhar Tsarnaev and Charleston, S.C., church shooter Dylann Roof.

The record shows that Democrats rejected the amendment to prevent payments to prisoners.

Sen. Dick Durbin, D-Ill., said it would harm prisoners' families.

Given the stark racial disparities in our criminal justice system, this would cause the most harm to Black and brown families and communities already harmed by mass incarceration,"

Durbin said on the Senate floor. "Children should not be forced to go hungry because a parent is incarcerated."

Prisoners qualify for stimulus payments because of broad eligibility requirements in this relief bill — and others. Prisoners must be a citizen or legal resident, and either need to have filed a tax return, possibly as part of a joint filing, or complete an Internal Revenue Service form requesting payment.

It's worth noting that the two previous rounds of stimulus checks during the Trump administration — in the CARES Act in March, and the supplemental package in December — allowed prisoners to receive checks, too.

Cotton voted for both of those bills.

His press secretary James Arnold said circumstances were different. In the CARES Act, the issue was "an unanticipated problem," and in December, there was no opportunity to amend the bill.

The issue had come up before.

In 2009, President Barack Obama's economic recovery package barred stimulus checks for most prisoners. Only a few thousand got them, through an exception in the law for those who had just gone to jail.

In 2020, Washington put a priority on getting checks to people as quickly as possible. The CARES Act kept the eligibility rules broad and simple. Basically, anyone who was an American citizen or permanent legal resident, wasn't claimed as a dependent by someone else, and had filed a tax return (or didn't need to because they made very little), could get a check.

With the December bill, Republicans could have added a prisoner ban to the legislation before it came to an up-or-down vote.

The issue of prisoners and stimulus checks had long been in the news. Earlier in the year, the IRS blocked CARES Act payments to prisoners. That prompted a class action lawsuit on behalf of incarcerated people, arguing that the IRS rule was arbitrary and unlawful.

In October, a federal judge ruled against the IRS and said the government had to issue the checks. The judge ruled that the CARES Act had no language restricting payments to prisoners, and the administration couldn't invent one. That only applied to the CARES Act,

but the point is, Republicans had ample opportunity to grapple with the issue as the December bill was being written.

Despite having the right to stimulus checks, many prisoners hit a stumbling block: The IRS sent the inmates debit cards that some states couldn't process.

Our ruling

Cotton said Democrats voted to give stimulus checks to people in prison.

They did, arguing that to do otherwise would harm the families of prisoners. It's worth noting that Cotton and other Senate Republicans voted for previous relief packages that also resulted in prisoners getting checks.

With that clarification, we rate this claim Mostly True.

Sources

Tom Cotton, tweet, March 6, 2021

U.S. Congress, Senate debate: American Rescue Plan Act, March 6, 2021

Prison Policy Initiative, Stimulus, round 2: Incarcerated people will be eligible for new round of payments, Dec. 30, 2021

Associated Press, 3,900 Stimulus Checks Went to Prison Inmates, Aug. 2, 2010

National Public Radio, Stimulus Debit Cards Unusable For Prison Inmates In At Least Four States, Feb. 6, 2021

CNN, Fact check: Prisoners also got relief checks from the pandemic bills Trump signed and Cotton voted for, March 8, 2021

Washington Post, Murderers, undocumented immigrants: Hyped-up claims about who's getting stimulus checks, March 9, 2021

IRS.gov, Economic Impact Payment Information Center — Topic A: EIP Eligibility; Definition of Adjusted Gross Income

Email exchange, James Arnold, press secretary, Office of Sen. Tom Cotton, March 9, 2021