To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, and to provide for Social Security benefit protection.

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 AND TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the

5 “Protecting and Preserving Social Security Act”.

6 (b) Table of Contents.—The table of contents of

7 this Act is as follows:

Sec. 1. Short title and table of contents.
TITLE I—COST-OF-LIVING INCREASES

Sec. 101. Consumer Price Index for Elderly Consumers.
Sec. 102. Computation of cost-of-living increases.

TITLE II—CONTRIBUTION AND BENEFIT FAIRNESS

Sec. 201. Determination of wages and self-employment income above contribution and benefit base after 2022.
Sec. 203. Preventing an unintended drop in benefits relating to the application of the National Average Wage Index.

TITLE III—BENEFIT ADJUSTMENT OF SOCIAL SECURITY INCOME COMPENSATION

Sec. 301. Continuation of benefits through month of beneficiary’s death.

TITLE I—COST-OF-LIVING INCREASES

SEC. 101. CONSUMER PRICE INDEX FOR ELDERLY CONSUMERS.

(a) In General.—The Bureau of Labor Statistics of the Department of Labor shall prepare and publish an index for each calendar month to be known as the “Consumer Price Index for Elderly Consumers” that indicates changes over time in expenditures for consumption which are typical for individuals in the United States who are 62 years of age or older.

(b) Effective Date.—Subsection (a) shall apply with respect to calendar months ending on or after July 31 of the calendar year following the calendar year in which this Act is enacted.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.
SEC. 102. COMPUTATION OF COST-OF-LIVING INCREASES.

(a) IN GENERAL.—Section 215(i)(1) of the Social Security Act (42 U.S.C. 415(i)(1)) is amended by adding at the end the following new subparagraph:

“(H) the term ‘Consumer Price Index’ means the Consumer Price Index for Elderly Consumers (CPI–E, as published by the Bureau of Labor Statistics of the Department of Labor).”.

(b) APPLICATION TO PRE-1979 LAW.—

(1) IN GENERAL.—Section 215(i)(1) of the Social Security Act as in effect in December 1978, and as applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by adding at the end the following new subparagraph:

“(D) the term ‘Consumer Price Index’ means the Consumer Price Index for Elderly Consumers (CPI–E, as published by the Bureau of Labor Statistics of the Department of Labor).”.

(2) CONFORMING AMENDMENT.—Section 215(i)(4) of the Social Security Act (42 U.S.C. 415(i)(4)) is amended by inserting “and by section 102 of the Protecting and Preserving Social Security Act” after “1986”.

VerDate Sep 11 2014 05:04 Jul 26, 2022 Jkt 029200 PO 00000 Frm 00003 Fmt 6652 Sfmt 6201 E:\BILLS\S4583.IS S4583kjohnson on DSK79L0C42PROD with BILLS
(c) **No Effect on Adjustments Under Other Laws.**—Section 215(i) of the Social Security Act (42 U.S.C. 415(i)) is amended by adding at the end the following:

“(6) Any provision of law (other than in this title or title XVI) which provides for adjustment of an amount based on a change in benefit amounts resulting from a determination made under this subsection shall be applied and administered without regard to the amendments made by section 102 of the Protecting and Preserving Social Security Act.”.

(d) **No Effect on Eligibility for SSI and Medicaid.**—Any increase to an individual’s monthly benefit amount under title II of the Social Security Act as a result of the amendments made by this section shall not be regarded as income or resources for any subsequent month, for purposes of determining the eligibility of the recipient (or the recipient’s spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under the Supplemental Security Income program or the Medicaid program.

(e) **Effective Date.**—The amendments made by this section shall apply to determinations made with respect to cost-of-living computation quarters (as defined in section 215(i)(1)(B) of the Social Security Act (42 U.S.C.
415(i)(1)(B)) ending on or after September 30 of the second calendar year following the calendar year in which this Act is enacted.

**TITLE II—CONTRIBUTION AND BENEFIT FAIRNESS**

**SEC. 201. DETERMINATION OF WAGES AND SELF-EMPLOYMENT INCOME ABOVE CONTRIBUTION AND BENEFIT BASE AFTER 2022.**

(a) Determination of Wages Above Contribution and Benefit Base After 2022.—

(1) Amendments to the internal revenue code of 1986.—Section 3121 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)(1), by inserting “the applicable percentage (determined under subsection (c)(1)) of” before “that part of the remuneration”, and

(B) in subsection (c), by striking “(c) Included and Excluded Service.—For purposes of this chapter, if” and inserting the following:

“(c) Special Rules for Wages and Employment.—

“(1) Applicable percentage of remuneration in determining wages.—For purposes of
paragraph (1) of subsection (a), the applicable percentage for a calendar year, in connection with any calendar year referred to in such paragraph, shall be the percentage determined in accordance with the following table:

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<table>
<thead>
<tr>
<th>In the case of:</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calendar year 2023</td>
<td>86</td>
</tr>
<tr>
<td>Calendar year 2024</td>
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<td>57</td>
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<td>Calendar year 2028</td>
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</tr>
<tr>
<td>Calendar years after 2028</td>
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</tr>
</tbody>
</table>
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“(2) INCLUDED AND EXCLUDED SERVICE.—For purposes of this chapter, if”.

(2) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 209 of the Social Security Act (42 U.S.C. 409) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (I)—

(I) by inserting “and before 2023” after “1974”; and

(II) by inserting “and” after the semicolon; and

(ii) by adding at the end the following new subparagraph:

“(J) The applicable percentage (determined under subsection (l)) of that part of remuneration which, after remuneration (other
than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 2022 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;”;

and

(B) by adding at the end the following new subsection:

“(l) For purposes of subparagraph (J) of subsection (a)(1), the applicable percentage for a calendar year, in connection with any calendar year referred to in such subparagraph, shall be the percentage determined in accordance with the following table:

<table>
<thead>
<tr>
<th>&quot;In the case of:&quot;</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calendar year 2023</td>
<td>86</td>
</tr>
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<tr>
<td>Calendar year 2027</td>
<td>29</td>
</tr>
<tr>
<td>Calendar year 2028</td>
<td>14</td>
</tr>
<tr>
<td>Calendar years after 2028</td>
<td>0.</td>
</tr>
</tbody>
</table>

(3) Effective date.—The amendments made by this subsection shall apply with respect to remuneration paid in calendar years after 2022.
(b) **Determination of Self-Employment Income Above Contribution and Benefit Base After 2022.**—

(1) Amendments to the internal revenue code of 1986.—Section 1402 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)(1), by inserting “an amount equal to the applicable percentage (as determined under subsection (d)(2)) of” before “that part of the net earnings from self-employment”, and

(B) in subsection (d)—

(i) by striking “(d) **Employee and Wages.**—The term” and inserting the following:

“(d) **Rules and Definitions.**—

“(1) **Employee and Wages.**—The term”, and

(ii) by adding at the end the following:

“(2) **Applicable Percentage of Net Earnings from Self-Employment in Determining Self-Employment Income.**—For purposes of paragraph (1) of subsection (b), the applicable percentage for a taxable year beginning in any calendar year referred to in such paragraph shall be the per-
percentage determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023</td>
<td>86</td>
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<tr>
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<tr>
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<td>2027</td>
<td>29</td>
</tr>
<tr>
<td>2028</td>
<td>14</td>
</tr>
<tr>
<td>After 2028</td>
<td>0</td>
</tr>
</tbody>
</table>

(2) Amendments to the Social Security Act.—Section 211 of the Social Security Act (42 U.S.C. 411) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(I)—

(II) by inserting “and before 2023” after “1974”;

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following new paragraph:

“(2) For any taxable year beginning in any calendar year after 2022, an amount equal to the applicable percentage (as determined under subsection (l)) of that part of net earnings from self-employment which is in excess of (A) an amount equal to the contribution and benefit base (determined under
section 230) that is effective for such calendar year, minus (B) the amount of the wages paid to such individual during such taxable year; or”; and

(B) by adding at the end the following:

“(l) For purposes of paragraph (2) of subsection (b), the applicable percentage for a taxable year beginning in any calendar year referred to in such paragraph, shall be the percentage determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023</td>
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<tr>
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<td>29</td>
</tr>
<tr>
<td>2028</td>
<td>14</td>
</tr>
<tr>
<td>After 2028</td>
<td>0</td>
</tr>
</tbody>
</table>

(3) Effective date.—The amendments made by this subsection shall apply with respect to taxable years beginning during or after calendar year 2023.

SEC. 202. INCLUSION OF SURPLUS EARNINGS IN SOCIAL SECURITY BENEFIT FORMULA.

(a) Inclusion of Surplus Average Indexed Monthly Earnings in Determination of Primary Insurance Amounts.—

(1) In general.—Section 215(a)(1)(A) of the Social Security Act (42 U.S.C. 415(a)(1)(A)) is amended—
(A) in clauses (i), (ii), and (iii), by inserting “basic” before “average indexed monthly earnings” each place it appears;

(B) in clause (ii), by striking “and” at the end; and

(C) by inserting after clause (iii) the following new clauses:

“(iv) 3 percent of the individual’s surplus average indexed monthly earnings to the extent such surplus average indexed monthly earnings do not exceed the excess of the amount established for purposes of this clause by subparagraph (B) over \( \frac{1}{12} \) of the contribution and benefit base for the last of such individual’s computation base years, and

“(v) 0.25 percent of the sum of the individual’s surplus average indexed monthly earnings plus \( \frac{1}{12} \) of the contribution and benefit base for the last of such individual’s computation base years, to the extent such sum exceeds the amount established for purposes of clause (iv) by subparagraph (B).”.

(2) **End Point for Surplus Earnings.**—

Section 215(a)(1)(B) of such Act (42 U.S.C. 415(a)(1)(B)) is amended—

(A) in clause (ii), by striking “the amounts so established” and inserting “the amounts es-
established for purposes of clauses (i) and (ii) of subparagraph (A)”;

(B) by redesignating clause (iii) as clause (v);

(C) in clause (v) (as redesignated), by inserting “or (iv)” after “clause (ii)”; and

(D) by inserting after clause (ii) the following new clauses:

“(iii) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in the calendar year 2023, the amount established for purposes of clause (iv) of subparagraph (A) shall be $8,933.

“(iv) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 2023, the amount established for purposes of clause (iv) of subparagraph (A) shall equal the product of the amount established with respect to the calendar year 2023 under clause (iii) of this subparagraph and the quotient obtained by dividing—

“(I)(aa) the national average wage index (as defined in section 209(k)(1)) for the second calendar year preceding the calendar year for which the determination is made, or
“(bb) if higher (and if such second calendar year is after 2023), the highest national average wage index (as so defined) for any calendar year before such second calendar year, by

“(II) the national average wage index (as so defined) for 2018.”.

(b) Basic AIME and Surplus AIME.—

(1) Basic AIME.—Section 215(b)(1) of such Act (42 U.S.C. 415(b)(1)) is amended—

(A) by inserting “basic” before “average”; and

(B) in subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (3)(A)” and by inserting before the comma the following: “to the extent such total does not exceed the contribution and benefit base for the applicable year”.

(2) Surplus AIME.—

(A) In general.—Section 215(b)(1) of such Act (as amended by paragraph (1)) is amended—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;
(ii) by inserting “(A)” after “(b)(1)”;
and
(iii) by adding at the end the follow-
ing new subparagraph:
“(B)(i) An individual’s surplus average indexed monthly earnings shall be equal to the quotient obtained by dividing—
“(I) the total (after adjustment under para-
graph (3)(B)) of such individual’s surplus earnings (determined under clause (ii)) for such individual’s benefit computation years (determined under para-
graph (2)), by
“(II) the number of months in those years.
“(ii) For purposes of clause (i) and paragraph (3)(B), an individual’s surplus earnings for a benefit computation year are the total of such individual’s wages paid in and self-employment income credited to such benefit computa-
tion year, to the extent such total (before adjustment under paragraph (3)(B)) exceeds the contribution and benefit base for such year.”.

(B) CONFORMING AMENDMENT.—The heading for section 215(b) of such Act is amended by striking “Average Indexed Monthly Earnings” and inserting “Basic Average In-
(3) ADJUSTMENT OF SURPLUS EARNINGS FOR PURPOSES OF DETERMINING SURPLUS AIME.—Section 215(b)(3) of such Act (42 U.S.C. 415(b)(3)) is amended—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraph (C)” and by inserting “and determination of basic average indexed monthly income” after “paragraph (2)”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) For purposes of determining under paragraph (1)(B) an individual’s surplus average indexed monthly earnings, the individual’s surplus earnings (described in paragraph (2)(B)(ii)) for a benefit computation year shall be deemed to be equal to the product of—

“(i) the individual’s surplus earnings for such year (as determined without regard to this subparagraph), and

“(ii) the quotient described in subparagraph (A)(ii).”.
(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to individuals who initially become eligible (within the meaning of section 215(a)(3)(B) of the Social Security Act) for old-age or disability insurance benefits under title II of the Social Security Act, or who die (before becoming eligible for such benefits), in any calendar year after 2022.

SEC. 203. PREVENTING AN UNINTENDED DROP IN BENEFITS RELATING TO THE APPLICATION OF THE NATIONAL AVERAGE WAGE INDEX.

(a) MODIFICATIONS RELATED TO COMPUTATION OF PRIMARY INSURANCE AMOUNT.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a)(1)(B)(ii)(I)—

(A) in subclause (I)—

(i) by striking “the national” and inserting “(aa) the national”; and

(ii) by striking “, by” at the end and inserting “; or”; and

(B) by adding at the end of subclause (I) the following:

“(bb) if higher (and if such second calendar year is after 2022), the highest national average wage index (as so de-
fined) for any calendar year before such second calendar year, by’’; and

(2) in subsection (b)(3)(A)(ii)—

(A) in subclause (I)—

(i) by striking ‘‘the national’’ and inserting ‘‘(aa) the national’’; and

(ii) by striking ‘‘, by’’ at the end and inserting ‘‘; or’’; and

(B) by adding at the end of subclause (I) the following:

‘‘(bb) if higher (and if such second calendar year is after 2022), the highest national average wage index (as so defined) for any calendar year before such second calendar year, by’’.

(b) Modification Related to Reduction of Benefits Based on Disability.—Section 224(f)(2)(B)(i) of such Act (42 U.S.C. 424(f)(2)(B)(i)) is amended by inserting ‘‘(or if higher (and if such calendar year is after 2022), the highest national average wage index (as so defined) for any calendar year before such calendar year)’’ after ‘‘made’’. 
TITLE III—BENEFIT ADJUSTMENT OF SOCIAL SECURITY INCOME COMPENSATION

SEC. 301. CONTINUATION OF BENEFITS THROUGH MONTH OF BENEFICIARY’S DEATH.

(a) In General.—

(1) Old-age insurance benefits.—Section 202(a) of the Social Security Act (42 U.S.C. 402(a)) is amended by striking “the month preceding” in the matter following subparagraph (B).

(2) Wife’s insurance benefits.—

(A) In General.—Section 202(b)(1) of such Act (42 U.S.C. 402(b)(1)) is amended—

(i) by striking “and ending with the month” in the matter immediately following clause (ii) and inserting “and ending with the month in which she dies or (if earlier) with the month”; 

(ii) by striking subparagraph (E); and 

(iii) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(B) Conforming amendment.—Section 202(b)(4)(B) of such Act (42 U.S.C. 402(b)(4)(B)) is amended by striking “(E),
(F), (H), or (J)” and inserting “(E), (G), or
(I)”.

(3) HUSBAND’S INSURANCE BENEFITS.—

(A) IN GENERAL.—Section 202(c)(1) of
such Act (42 U.S.C. 402(c)(1)) is amended—

(i) by striking “and ending with the
month” in the matter immediately fol-
lowing clause (ii) and inserting “and end-
ing with the month in which he dies or (if
earlier) with the month”;

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraphs
(F) through (K) as subparagraphs (E)
through (J), respectively.

(B) CONFORMING AMENDMENT.—Section
202(c)(4)(B) of such Act (42 U.S.C.
402(c)(4)(B)) is amended by striking “(E), (F),
(H), or (J)” and inserting “(E), (G), or (I)”.

(4) CHILD’S INSURANCE BENEFITS.—Section
202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is
amended—

(A) by striking “and ending with the
month” in the matter immediately preceding
subparagraph (D) and inserting “and ending
with the month in which such child dies or (if earlier) with the month”; and

(B) by striking “dies, or” in subparagraph (D).

(5) Widow’s insurance benefits.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended by striking “ending with the month preceding the first month in which any of the following occurs: she remarries, dies, becomes entitled” in the matter following subparagraph (F) and inserting “ending with the month in which she dies or (if earlier) the month preceding the earliest of the first month in which she remarries, the month in which she becomes entitled”.

(6) Widower’s insurance benefits.—Section 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended by striking “ending with the month preceding the first month in which any of the following occurs: he remarries, dies, or becomes entitled” in the matter following subparagraph (F) and inserting “ending with the month in which he dies or (if earlier) the month preceding the earliest of the first month in which he remarries, the month in which he becomes entitled”.
(7) Mother’s and Father’s Insurance Benefits.—Section 202(g)(1) of such Act (42 U.S.C. 402(g)(1)) is amended—

(A) by inserting “the month in which he or she dies or (if earlier)” after “and ending with” in the matter following subparagraph (F); and

(B) by striking “he or she remarries, or he or she dies” and inserting “or he or she remarries”.

(8) Parent’s Insurance Benefits.—Section 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended by striking “ending with the month preceding the first month in which any of the following occurs: such parent dies, marries,” in the matter following subparagraph (E) and inserting “ending with the month in which such parent dies or (if earlier) the month preceding the first month in which such parent marries”.

(9) Disability Insurance Benefits.—Section 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended by striking “ending with the month preceding whichever of the following months is the earliest: the month in which he dies,” in the matter following subparagraph (D) and inserting the following: “ending with the month in which he dies or
(if earlier) with the month preceding the earlier of”
and by striking the comma after “216(l))”.

(10) **Benefits at age 72 for certain uninsured individuals.**—Section 228(a) of such Act
(42 U.S.C. 428(a)) is amended by striking “the month preceding” in the matter following paragraph
(4).

(b) **Computation and Payment of Last Monthly Payment.**—

(1) **Old-age and survivors insurance benefits.**—Section 202 of the Social Security Act (42
U.S.C. 402) is amended by adding at the end the following new subsection:

“(aa) **Prorated Payment Due to Death.**—

“(1) **Prorated Payment for Last Month of Entitlement.**—In the case of any monthly insurance benefit paid to an individual under this section
for the last month of entitlement to such benefit (in any case in which eligibility for such benefit ends because of such individual’s death in such month), the
amount of such benefit under this section paid for such month shall be an amount equal to—

“(A) the amount of such benefit (as determined without regard to this subsection), multi-
plied by
“(B) a fraction—

“(i) the numerator of which is the number of days in such month preceding (but not including) the date of such individual’s death, and

“(ii) the denominator of which is the number of days in such month, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).

“(2) PRORATED PAYMENT FOR FIRST MONTH OF ENTITLEMENT.—In the case of any monthly insurance benefit paid to an individual under this section for the first month of entitlement to such benefit (in any case in which eligibility for such benefit begins because of the death in such month of another individual on whose wages and self-employment income such benefit are based), the amount of such benefit paid for such month shall be an amount equal to—
“(A) the amount of such benefit (as determined without regard to this subsection), multiplied by

“(B) a fraction—

“(i) the numerator of which is the number of days in such month following and including the date of the death of the individual on whose wages and self-employment income such benefit is based, and

“(ii) the denominator of which is the number of days in such month, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).

“(3) PAYABLE TO ESTATE.—Any monthly insurance benefit under this section for the month in which the individual entitled to such benefit dies shall be paid to the estate of the individual unless the individual has named another individual as the payee for such payment.”.
(2) Disability insurance benefits.—Section 223 of such Act (42 U.S.C. 423) is amended by adding at the end the following new subsection:

“(k) Last payment of benefit terminated by death.—(1) The amount of any individual’s monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

“(A) the amount of such benefit (as determined without regard to this subsection), multiplied by

“(B) a fraction—

“(i) the numerator of which is the number of days in such month preceding (but not including) the date of such individual’s death, and

“(ii) the denominator of which is the number of days in such month, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).

“(2) Any monthly insurance benefit under this section for the month in which the individual entitled to such benefit dies shall be paid to the estate of the individual
unless the individual has named another individual as the
payee for such payment.”.

(3) Benefits at age 72 for certain uninsured individuals.—Section 228 of such Act (42
U.S.C. 428) is amended by adding at the end the
following new subsection:

“(i) Last payment of benefit terminated by
death.—(1) The amount of any individual’s monthly
benefit under this section paid for the month in which the
individual dies shall be an amount equal to—

“(A) the amount of such benefit (as determined
without regard to this subsection), multiplied by

“(B) a fraction—

“(i) the numerator of which is the number
of days in such month preceding (but not in-
cluding) the date of such individual’s death, and

“(ii) the denominator of which is the num-
ber of days in such month,

rounded, if not a multiple of $1, to the next lower multiple
of $1. This subsection shall apply with respect to such
benefit after all other adjustments with respect to such
benefit provided by this title have been made. Payment
of such benefit for such month shall be made as provided
in section 204(d).
“(2) Any monthly insurance benefit under this section for the month in which the individual entitled to such benefit dies shall be paid to the estate of the individual unless the individual has named another individual as the payee for such payment.”.

(c) Disregard of Benefit for Month of Death Under Family Maximum Provisions.—Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end the following new paragraph:

“(11) Notwithstanding any other provision of this Act, in applying the preceding provisions of this subsection (and determining maximum family benefits under column V of the table in or deemed to be in section 215(a) as in effect in December 1978) with respect to the month in which the insured individual’s death occurs, the benefit payable to such individual for that month shall be disregarded.”.

(d) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring in the first month beginning more than 60 days after the date of enactment of this Act.