

105TH CONGRESS
1ST SESSION

H. R. 68

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. HOLDEN (for himself, Mr. BEREUTER, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONDIT, Mr. DEFazio, Mr. DELLUMS, Mr. EVANS, Mr. FROST, Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. STUPAK, Mr. OWENS, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

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 “Social Security Bene-
5 fits Fairness Act of 1997”.

1 **SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY**
2 **PAYMENT.**

3 (a) OLD-AGE AND SURVIVORS INSURANCE BENE-
4 FITS.—Section 202 of the Social Security Act (42 U.S.C.
5 402) is amended by adding at the end the following new
6 subsection:

7 “Last Payment of Monthly Insurance Benefit
8 Terminated by Death

9 “(y)(1) In any case in which an individual dies during
10 the first 15 days of a calendar month, the amount of such
11 individual’s monthly insurance benefit under this section
12 paid for such month shall be an amount equal to 50 per-
13 cent of the amount of such benefit (as determined without
14 regard to this subsection), rounded, if not a multiple of
15 \$1, to the next lower multiple of \$1. This subsection shall
16 apply with respect to such benefit after all other adjust-
17 ments with respect to such benefit provided by this title
18 have been made.

19 “(2) Any payment of an individual’s benefit under
20 this section for the month in which such individual dies
21 shall be made in accordance with section 204(d).”.

22 (b) DISABILITY INSURANCE BENEFITS.—Section 223
23 of such Act (42 U.S.C. 423) is amended by adding at the
24 end the following new subsection:

1 “Last Payment of Benefit Terminated by Death

2 “(j)(1) In any case in which an individual dies during
3 the first 15 days of a calendar month, the amount of such
4 individual’s monthly insurance benefit under this section
5 paid for such month shall be an amount equal to 50 per-
6 cent of the amount of such benefit (as determined without
7 regard to this subsection), rounded, if not a multiple of
8 \$1, to the next lower multiple of \$1. This subsection shall
9 apply with respect to such benefit after all other adjust-
10 ments with respect to such benefit provided by this title
11 have been made.

12 “(2) Any payment of an individual’s benefit under
13 this section for the month in which such individual dies
14 shall be made in accordance with section 204(d).”.

15 (c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
16 INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 428)
17 is amended by adding at the end the following new sub-
18 section:

19 “Last Payment of Benefit Terminated by Death

20 “(i)(1) In any case in which an individual dies during
21 the first 15 days of a calendar month, the amount of such
22 individual’s monthly insurance benefit under this section
23 paid for such month shall be an amount equal to 50 per-
24 cent of the amount of such benefit (as determined without
25 regard to this subsection), rounded, if not a multiple of

1 \$1, to the next lower multiple of \$1. This subsection shall
 2 apply with respect to such benefit after all other adjust-
 3 ments with respect to such benefit provided by this title
 4 have been made.

5 “(2) Any payment of an individual’s benefit under
 6 this section for the month in which such individual dies
 7 shall be made in accordance with section 204(d).”.

8 **SECTION 3. CONFORMING AMENDMENTS REGARDING PAY-**
 9 **MENT OF BENEFITS FOR MONTH OF RECIPI-**
 10 **ENT’S DEATH.**

11 (a) OLD-AGE INSURANCE BENEFITS.—Section
 12 202(a) of the Social Security Act (42 U.S.C. 402(a)) is
 13 amended by striking “the month preceding” in the matter
 14 following subparagraph (B).

15 (b) WIFE’S INSURANCE BENEFITS.—

16 (1) IN GENERAL.—Section 202(b)(1) of such
 17 Act (42 U.S.C. 402(b)(1)) is amended—

18 (A) by striking “and ending with the
 19 month” in the matter immediately following
 20 clause (ii) and inserting “and ending with the
 21 month in which she dies or (if earlier) with the
 22 month”;

23 (B) by striking subparagraph (E); and

1 (C) by redesignating subparagraphs (F)
2 through (K) as subparagraphs (E) through (J),
3 respectively.

4 (2) CONFORMING AMENDMENT.—Section
5 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B))
6 is amended by striking “(E), (F), (H), or (J)” and
7 inserting “(E), (G), or (I)”.

8 (c) HUSBAND’S INSURANCE BENEFITS.—

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

11 (A) by striking “and ending with the
12 month” in the matter immediately following
13 clause (ii) and inserting “and ending with the
14 month in which he dies or (if earlier) with the
15 month”;

16 (B) by striking subparagraph (E); and

17 (C) by redesignating subparagraphs (F)
18 through (K) as subparagraphs (E) through (J),
19 respectively.

20 (2) CONFORMING AMENDMENT.—Section
21 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B))
22 is amended by striking “(E), (F), (H), or (J)” and
23 inserting “(E), (G), or (I)”.

1 (d) CHILD’S INSURANCE BENEFITS.—Section
2 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amend-
3 ed—

4 (1) by striking “and ending with the month” in
5 the matter immediately preceding subparagraph (D)
6 and inserting “and ending with the month in which
7 such child dies or (if earlier) with the month”; and
8 (2) by striking “dies, or” in subparagraph (D).

9 (e) WIDOW’S INSURANCE BENEFITS.—Section
10 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended
11 by striking “ending with the month preceding the first
12 month in which any of the following occurs: she remarries,
13 dies,” in the matter following subparagraph (F) and in-
14 serting “ending with the month in which she dies or (if
15 earlier) with the month preceding the first month in which
16 any of the following occurs: she remarries, or”.

17 (f) WIDOWER’S INSURANCE BENEFITS.—Section
18 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended
19 by striking “ending with the month preceding the first
20 month in which any of the following occurs: he remarries,
21 dies,” in the matter following subparagraph (F) and in-
22 serting “ending with the month in which he dies or (if
23 earlier) with the month preceding the first month in which
24 any of the following occurs: he remarries,”.

1 (g) MOTHER’S AND FATHER’S INSURANCE BENE-
2 FITS.—Section 202(g)(1) of such Act (42 U.S.C.
3 402(g)(1)) is amended—

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

7 (2) by striking “he or she remarries, or he or
8 she dies” and inserting “or he or she remarries”.

9 (h) PARENT’S INSURANCE BENEFITS.—Section
10 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended
11 by striking “ending with the month preceding the first
12 month in which any of the following occurs: such parent
13 dies, marries,” in the matter following subparagraph (E)
14 and inserting “ending with the month in which such par-
15 ent dies or (if earlier) with the month preceding the first
16 month in which any of the following occurs: such parent
17 marries,”.

18 (i) DISABILITY INSURANCE BENEFITS.—Section
19 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended
20 by striking “ending with the month preceding whichever
21 of the following months is the earliest: the month in which
22 he dies,” in the matter following subparagraph (D) and
23 inserting the following: “ending with the month in which
24 he dies or (if earlier) with whichever of the following
25 months is the earliest.”.

1 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
2 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.
3 428(a)) is amended by striking “the month preceding” in
4 the matter following paragraph (4).

5 (k) EXEMPTION FROM MAXIMUM BENEFIT CAP.—
6 Section 203 of such Act (42 U.S.C. 403 is amended by
7 adding at the end the following new subsection:

8 “Exemption From Maximum Benefit Cap
9 “(m) Notwithstanding any other provision of this sec-
10 tion, the application of this section shall be made without
11 regard to any benefit of an individual under section 202,
12 223, or 228 for the month in which such individual dies.”.

13 **SEC. 4. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply with
15 respect to deaths occurring after 180 days after the date
16 of the enactment of this Act.

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