

105TH CONGRESS  
1ST SESSION

# S. 1370

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. LOTT, Mr. SARBANES, Mr. COCHRAN, Mr. GLENN, Mr. D'AMATO, Mr. HOLLINGS, Mr. HUTCHINSON, Ms. MOSELEY-BRAUN, Mr. INOUE, Mr. FORD, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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 Family  
5       Protection Act”.

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:

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

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

18 “(2) Any payment under this section by reason of  
 19 paragraph (1) shall be made in accordance with section  
 20 204(d).”.

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

24 “Last Payment of Benefit Terminated by Death

25 “(j)(1) In any case in which an individual dies during  
 26 the first 15 days of a calendar month, the amount of such

1 individual's monthly insurance benefit under this section  
 2 paid for such month shall be an amount equal to 50 per-  
 3 cent of the amount of such benefit (as determined without  
 4 regard to this subsection), rounded, if not a multiple of  
 5 \$1, to the next lower multiple of \$1. This subsection shall  
 6 apply with respect to such benefit after all other adjust-  
 7 ments with respect to such benefit provided by this title  
 8 have been made.

9 “(2) Any payment under this section by reason of  
 10 paragraph (1) shall be made in accordance with section  
 11 204(d).”.

12 (c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED  
 13 INDIVIDUALS.—Section 228 of the Social Security Act (42  
 14 U.S.C. 428) is amended by adding at the end the follow-  
 15 ing:

16 “Last Payment of Benefit Terminated by Death

17 “(i)(1) In any case in which an individual dies during  
 18 the first 15 days of a calendar month, the amount of such  
 19 individual's monthly insurance benefit under this section  
 20 paid for such month shall be an amount equal to 50 per-  
 21 cent of the amount of such benefit (as determined without  
 22 regard to this subsection), rounded, if not a multiple of  
 23 \$1, to the next lower multiple of \$1. This subsection shall  
 24 apply with respect to such benefit after all other adjust-

1 ments with respect to such benefit provided by this title  
2 have been made.

3 “(2) Any payment under this section by reason of  
4 paragraph (1) shall be made in accordance with section  
5 204(d).”.

6 **SEC. 3. CONFORMING AMENDMENTS REGARDING PAYMENT**  
7 **OF BENEFITS FOR MONTH OF RECIPIENT’S**  
8 **DEATH.**

9 (a) OLD-AGE INSURANCE BENEFITS.—Section  
10 202(a) of the Social Security Act (42 U.S.C. 402(a)) is  
11 amended by striking “the month preceding” in the matter  
12 following subparagraph (B).

13 (b) WIFE’S INSURANCE BENEFITS.—

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

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

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

22 (C) by redesignating subparagraphs (F)  
23 through (K) as subparagraphs (E) through (J),  
24 respectively.

1           (2)     CONFORMING     AMENDMENT.—Section  
 2     202(b)(5)(B) of the Social Security Act (42 U.S.C.  
 3     402(b)(5)(B)) is amended by striking “(E), (F),  
 4     (H), or (J)” and inserting “(E), (G), or (I)”.

5     (c) HUSBAND’S INSURANCE BENEFITS.—

6           (1) IN GENERAL.—Section 202(c)(1) of the So-  
 7     cial Security Act (42 U.S.C. 402(c)(1)) is amend-  
 8     ed—

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

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

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

18          (2)     CONFORMING     AMENDMENT.—Section  
 19     202(c)(5)(B) of the Social Security Act (42 U.S.C.  
 20     402(c)(5)(B)) is amended by striking “(E), (F),  
 21     (H), or (J)” and inserting “(E), (G), or (I)”.

22     (d) CHILD’S INSURANCE BENEFITS.—Section  
 23     202(d)(1) of the Social Security Act (42 U.S.C.  
 24     402(d)(1)) is amended—

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

6           (e)   WIDOW’S   INSURANCE   BENEFITS.—Section  
7   202(e)(1) of the Social Security Act (42 U.S.C. 402(e)(1))  
8   is amended by striking “ending with the month preceding  
9   the first month in which any of the following occurs: she  
10   remarries, dies,” in the matter following subparagraph (F)  
11   and inserting “ending with the month in which she dies  
12   or (if earlier) with the month preceding the first month  
13   in which any of the following occurs: she remarries, or”.

14          (f)   WIDOWER’S   INSURANCE   BENEFITS.—Section  
15   202(f)(1) of the Social Security Act (42 U.S.C. 402(f)(1))  
16   is amended by striking “ending with the month preceding  
17   the first month in which any of the following occurs: he  
18   remarries, dies,” in the matter following subparagraph (F)  
19   and inserting “ending with the month in which he dies  
20   or (if earlier) with the month preceding the first month  
21   in which any of the following occurs: he remarries,”.

22          (g)   MOTHER’S   AND   FATHER’S   INSURANCE   BENE-  
23   FITS.—Section 202(g)(1) of the Social Security Act (42  
24   U.S.C. 402(g)(1)) is amended—

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

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

6           (h) PARENT’S INSURANCE BENEFITS.—Section  
 7 202(h)(1) of the Social Security Act (42 U.S.C.  
 8 402(h)(1)) is amended by striking “ending with the month  
 9 preceding the first month in which any of the following  
 10 occurs: such parent dies, marries,” in the matter following  
 11 subparagraph (E) and inserting “ending with the month  
 12 in which such parent dies or (if earlier) with the month  
 13 preceding the first month in which any of the following  
 14 occurs: such parent marries,”.

15          (i) DISABILITY INSURANCE BENEFITS.—Section  
 16 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1))  
 17 is amended by striking “ending with the month preceding  
 18 whichever of the following months is the earliest: the  
 19 month in which he dies,” in the matter following subpara-  
 20 graph (D) and inserting the following: “ending with the  
 21 month in which he dies or (if earlier) with whichever of  
 22 the following months is the earliest:”.

23          (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED  
 24 INDIVIDUALS.—Section 228(a) of the Social Security Act

1 (42 U.S.C. 428(a)) is amended by striking “the month  
 2 preceding” in the matter following paragraph (4).

3 (k) EXEMPTION FROM MAXIMUM BENEFIT CAP.—  
 4 Section 203 of the Social Security Act (42 U.S.C. 403)  
 5 is amended by adding at the end the following:

6 “Exemption From Maximum Benefit Cap

7 “(m) Notwithstanding any other provision of this sec-  
 8 tion, the application of this section shall be made without  
 9 regard to any amount received by reason of section 202(z),  
 10 223(j), or 228(i).”.

11 **SEC. 4. EFFECTIVE DATE.**

12 The amendments made by this Act shall apply with  
 13 respect to deaths occurring after the date that is 180 days  
 14 after the date of the enactment of this Act.

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