

108TH CONGRESS
1ST SESSION

S. 362

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 SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, Mrs. MURRAY, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Finance

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 “(k)(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 fol-
 15 lowing:

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)(3) of the Social Security Act (42 U.S.C. 402(a)(3))
11 is amended by striking “the month preceding” in the mat-
12 ter following subparagraph (B).

13 (b) WIFE’S INSURANCE BENEFITS.—

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

16 (A) by striking “and ending with the
17 month” in the matter immediately following
18 clause (ii)(II) and inserting “and ending with
19 the month in which she dies or (if earlier) with
20 the 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)(D) of the
 7 Social Security Act (42 U.S.C. 402(c)(1)(D)) is
 8 amended—

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

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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